
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2907 Session of
2020

INTRODUCED BY BOBACK, BROOKS, BARRAR, HELM, MILLARD AND MENTZER,
OCTOBER 2, 2020

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 2, 2020

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in particular rights and
3 immunities, providing for health care provider civil immunity
4 during disaster emergency.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 8332.9. Health care provider civil immunity during disaster
10 emergency.

11 (a) Civil immunity.--

12 (1) A health care provider who responds to a disaster by
13 providing health care to a person injured by the disaster
14 shall not be liable for civil damages due to an injury or a
15 wrongful death arising from the abandonment of providing such
16 health care if all of the following apply:

17 (i) A disaster emergency under 35 Pa.C.S. § 7301(c)
18 (relating to general authority of Governor) or a local
19 disaster emergency under 35 Pa.C.S. § 7501(b) (relating

1 to general authority of political subdivisions) has been
2 or is subsequently declared by the Governor or the
3 governing body of a political subdivision.

4 (ii) The health care provider was unable to provide
5 the requisite health care to the person as a result of
6 the health care provider's voluntary or mandatory
7 response to the disaster.

8 (2) A health care provider who responds to a disaster
9 shall not be liable for civil damages due to an injury or a
10 wrongful death arising from the delivery or withholding of a
11 health care to a person if all the following apply:

12 (i) A disaster emergency under 35 Pa.C.S. § 7301(c)
13 or a local disaster emergency under 35 Pa.C.S. § 7501(b)
14 has been or is subsequently declared by the Governor or
15 the governing body of a political subdivision.

16 (ii) The conditions of the disaster cause a lack of
17 resources rendering the health care provider unable to
18 provide the level or manner of health care that would
19 otherwise have been required in the absence of the
20 disaster and resulted in the injury or wrongful death.

21 (b) Exception.--The civil immunity provided under subsection
22 (a) shall not apply to any act or omission intentionally
23 designed to harm or any grossly negligent acts or omissions
24 which result in harm to a person.

25 (c) Applicability.--This section shall apply to the COVID-19
26 disaster emergency.

27 (d) Definition.--As used in this section, the term "COVID-19
28 disaster emergency" means the proclamation of disaster emergency
29 issued by the Governor on March 6, 2020, published at 50 Pa.B.
30 1644 (March 21, 2020) and any renewal of the state of disaster

1 emergency.

2 Section 2. This act shall take effect immediately.