
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 605 Session of
2021

INTRODUCED BY ECKER, KEEFER, DUNBAR, JAMES, MIHALEK, KAIL, RYAN,
GROVE, GREINER, WARNER, MOUL, MILLARD, KAUFFMAN, O'NEAL,
HERSHEY, ZIMMERMAN, ROWE AND CAUSER, MARCH 23, 2021

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 23, 2021

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in arbitration, providing
3 for compulsory arbitration of COVID-19 actions.

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

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

8 § 7361.1. Compulsory arbitration of COVID-19 actions.

9 (a) General rule.--Actions alleging personal injury or death
10 relating to exposure to COVID-19 shall first be submitted to and
11 heard by a board of three members of the bar of the court.

12 (b) Limitation.--The following shall apply:

13 (1) No matter shall be referred under subsection (a) if
14 the attorney for the plaintiff, or the plaintiff if not
15 represented, files with the complaint a certificate signed by
16 the attorney or party affirming that the personal injury or
17 death resulted from the defendant's failure to comply with
18 public health directives in effect at the time of the alleged

1 misconduct.

2 (2) A separate certificate must be filed as to
3 each defendant against which a claim is asserted.

4 (c) Procedure.--The arbitrators appointed under this section
5 shall have powers and shall proceed as prescribed by general
6 rules of court.

7 (d) Expedited arbitration.--Actions subject to this section
8 shall receive a hearing on an expedited schedule.

9 (e) Appeal for trial de novo.--A party to a matter shall
10 have the right to appeal for trial de novo in the court. The
11 party who takes the appeal shall pay all or a portion of fees
12 and costs and shall comply with other procedures as shall be
13 prescribed by general rules. In the absence of appeal, the
14 judgment entered on the award of the arbitrators shall be
15 enforced as any other judgment of the court. For the purposes of
16 this section and section 5571 (relating to appeals generally),
17 an award of arbitrators constitutes an order of a tribunal.

18 (f) Definitions.--As used in this section, the following
19 words and phrases shall have the meanings given to them in this
20 subsection unless the context clearly indicates otherwise:

21 "COVID-19." The novel coronavirus as identified in the
22 Governor's proclamation of disaster emergency issued on March 6,
23 2020, published at 50 Pa.B. 1644 (March 21, 2020).

24 "Public health directives." Orders or guidelines lawfully
25 issued by the Federal or State Government regarding:

26 (1) The manufacturing or use of personal protective
27 equipment during the proclamation of disaster emergency.

28 (2) Treatment or testing of individuals with or
29 reasonably believed to have COVID-19.

30 (3) Steps necessary or recommended to prevent, limit or

1 slow the spread of COVID-19.

2 Section 2. The addition of 42 Pa.C.S. § 7361.1 may not:

3 (1) Be construed to create a new cause of action
4 or expand any civil or criminal liability otherwise imposed
5 or limit any defense.

6 (2) Prevent an individual from filing a claim
7 for workers' compensation or receiving benefits under the act
8 of June 2, 1915 (P.L.736, No.338), known as the Workers'
9 Compensation Act, if otherwise available.

10 Section 3. This act shall take effect immediately.