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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 831 Session of  
2021

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INTRODUCED BY BOBACK, RYAN, MILLARD, BROOKS, MENTZER, STRUZZI,  
JAMES AND WHEELAND, MARCH 8, 2021

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 8, 2021

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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  
11 health care to a person if all of 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.