



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature  
First Regular Session

Senate: JUD DPA 5-3-0-0 | 3<sup>rd</sup> Read 18-12-0-0

House: JUD DP 6-4-0-0 | 3<sup>rd</sup> Read 31-29-0-0

Final Vote: DPA 16-14-0-0

## **SB 1377: civil liability; public health pandemic**

**Sponsor: Senator Leach, LD 11**

**Transmitted to the Governor**

### **Overview**

Establishes civil liability standards for specified acts or omissions during a state of emergency relating to a public health pandemic.

### **History**

The Governor may proclaim a state of emergency that takes effect immediately in an area affected or likely to be affected if the Governor finds that circumstances exist meeting the statutory definition of a state of emergency ([A.R.S. § 26-303](#)). On March 11, 2020, the Governor issued a [declaration of emergency](#) and issued an [executive order](#) related to the spread of the Coronavirus Disease 2019 (COVID-19). The Governor has since issued additional [executive orders](#) relating to COVID-19.

### **Provisions**

1. States a person or a provider acting in good faith during a state of emergency to protect another person from injury from the public health pandemic is not liable for damages in any civil action unless it is proven by clear and convincing evidence that the person or provider failed to act, acted with wilful misconduct or gross negligence. (Sec. 1)
2. Applies to all claims that are filed before or after the effective date of this bill and that are related to a public health pandemic that is the subject of the state of emergency declared by the Governor, unless otherwise prescribed in statute. (Sec. 1)
3. States a health professional or health care institution acting in good faith during a state of emergency to protect another person from injury from the public health pandemic is not liable for damages in any civil action unless it is proven by clear and convincing evidence that the health professional or health care institution failed to act, acted with wilful misconduct or gross negligence. (Sec. 1)
4. Applies to any action or omission that is alleged to have occurred during a person's screening, assessment or treatment that is related to a public health pandemic that is the subject of the state of emergency declared by the Governor. (Sec. 1)
5. States a health professional or health care institution is presumed to have acted in good faith if they relied on and reasonably attempted to comply with applicable published guidance. (Sec. 1)
6. Specifies a nursing care institution or residential care institution has the burden to prove an act or omission was the direct result of providing care to patients needing treatment for the pandemic or due to limitations caused by the pandemic. (Sec. 1)

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note

7. Defines *provider, health care institution* and *health professional*. (Sec. 1)
8. Contains a retroactivity clause. (Sec. 2)
9. Contains a severability clause. (Sec. 3)