



Reprinted
January 27, 2021

SENATE BILL No. 1

DIGEST OF SB 1 (Updated January 26, 2021 2:44 pm - DI 106)

Citations Affected: IC 34-6; IC 34-30.

Synopsis: Civil immunity related to COVID-19. Provides civil tort immunity for damages arising from COVID-19 on the premises owned or operated by a person, on any premises on which the person or an employee or agent of the person provided property or services to the individual, or during an activity managed, organized, or sponsored by the person. Specifies that the immunities do not affect the duty of care owed by a nursing home to a patient. Defines "COVID-19 protective product" and provides civil immunity for harm that results from the design, manufacture, labeling, sale, distribution, or donation of a COVID-19 protective product, except for an act or omission that constitutes gross negligence or willful or wanton misconduct (including fraud and intentionally tortious acts). Limits certain immunities to tort actions. Prohibits class action suits. Exempts fraud and intentionally tortious acts from specified immunities.

Effective: Upon passage; March 1, 2020 (retroactive).

**Messmer, Koch, Brown L, Zay,
Buchanan, Rogers, Becker, Houchin,
Kruse, Freeman, Charbonneau, Alting,
Gaskill, Garten, Buck, Bassler, Doriot,
Baldwin, Crider, Holdman**

January 4, 2021, read first time and referred to Committee on Judiciary.
January 14, 2021, amended, reported favorably — Do Pass.
January 26, 2021, read second time, amended, ordered engrossed.

SB 1—LS 6801/DI 92



Reprinted
January 27, 2021

First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

SENATE BILL No. 1

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-6-2-3.8 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 3.8. "Arising from COVID-19", for**
4 **purposes of IC 34-30-32, has the meaning set forth in**
5 **IC 34-30-32-2.**

6 SECTION 2. IC 34-6-2-31.4 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
8 UPON PASSAGE]: **Sec. 31.4. (a) "COVID-19", for purposes of**
9 **IC 34-30-32, has the meaning set forth in IC 34-30-32-3.**

10 **(b) "COVID-19", for purposes of IC 34-30-33, has the meaning**
11 **set forth in IC 34-30-33-2.**

12 SECTION 3. IC 34-6-2-31.5 IS ADDED TO THE INDIANA CODE
13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
14 UPON PASSAGE]: **Sec. 31.5. "COVID-19 protective product", for**
15 **purposes of IC 34-30-33, has the meaning set forth in**
16 **IC 34-30-33-2.**

17 SECTION 4. IC 34-6-2-77.1 IS ADDED TO THE INDIANA CODE

SB 1—LS 6801/DI 92



1 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: **Sec. 77.1. "Manufacturer or supplier", for
3 purposes of IC 34-30-33, has the meaning set forth in
4 IC 34-30-33-2.**

5 SECTION 5. IC 34-6-2-103, AS AMENDED BY P.L.132-2015,
6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]: Sec. 103. (a) "Person", for purposes of IC 34-14,
8 has the meaning set forth in IC 34-14-1-13.

9 (b) "Person", for purposes of IC 34-11-2-11.5 and IC 34-24-4,
10 means:

- 11 (1) an individual;
- 12 (2) a governmental entity;
- 13 (3) a corporation;
- 14 (4) a firm;
- 15 (5) a trust;
- 16 (6) a partnership; or
- 17 (7) an incorporated or unincorporated association that exists
18 under or is authorized by the laws of this state, another state, or a
19 foreign country.

20 (c) "Person", for purposes of section 44.8 of this chapter and
21 IC 34-30-29-1, means an adult or a minor.

22 (d) "Person", for purposes of IC 34-26-4, has the meaning set forth
23 in IC 35-31.5-2-234.

24 (e) "Person", for purposes of IC 34-30-5, means any of the
25 following:

- 26 (1) An individual.
- 27 (2) A corporation.
- 28 (3) A partnership.
- 29 (4) An unincorporated association.
- 30 (5) The state (as defined in IC 34-6-2-140).
- 31 (6) A political subdivision (as defined in IC 34-6-2-110).
- 32 (7) Any other entity recognized by law.

33 (f) "Person", for purposes of IC 34-30-6, means an individual, a
34 corporation, a limited liability company, a partnership, an
35 unincorporated association, or a governmental entity that:

- 36 (1) has qualifications or experience in:
 - 37 (A) storing, transporting, or handling a hazardous substance or
38 compressed gas;
 - 39 (B) fighting fires;
 - 40 (C) emergency rescue; or
 - 41 (D) first aid care; or
- 42 (2) is otherwise qualified to provide assistance appropriate to



1 remedy or contribute to the remedy of the emergency.

2 (g) "Person", for purposes of IC 34-30-18, includes:

- 3 (1) an individual;
 4 (2) an incorporated or unincorporated organization or association;
 5 (3) the state of Indiana;
 6 (4) a political subdivision (as defined in IC 36-1-2-13);
 7 (5) an agency of the state or a political subdivision; or
 8 (6) a group of such persons acting in concert.

9 (h) "Person", for purposes of sections 42, 43, 69, and 95 of this
 10 chapter, means an individual, an incorporated or unincorporated
 11 organization or association, or a group of such persons acting in
 12 concert.

13 (i) "Person", for purposes of IC 34-30-10.5, means the following:

- 14 (1) A political subdivision (as defined in IC 36-1-2-13).
 15 (2) A volunteer fire department (as defined in IC 36-8-12-2).
 16 (3) An employee of an entity described in subdivision (1) or (2)
 17 who acts within the scope of the employee's responsibilities.
 18 (4) A volunteer firefighter (as defined in IC 36-8-12-2) who is
 19 acting for a volunteer fire department.
 20 (5) A corporation, a limited liability company, a partnership, an
 21 unincorporated association, or any other entity recognized by law.

22 (j) "Person", for purposes of IC 34-28-7, means:

- 23 (1) an individual;
 24 (2) a governmental entity;
 25 (3) a corporation;
 26 (4) a firm;
 27 (5) a trust;
 28 (6) a partnership; or
 29 (7) an incorporated or unincorporated association that exists
 30 under or is authorized by the laws of this state, another state, or a
 31 foreign country.

32 (k) "Person", for purposes of IC 34-31-9, has the meaning set forth
 33 in IC 34-31-9-8.

34 **(l) "Person", for purposes of IC 34-30-32, has the meaning set
 35 forth in IC 34-30-32-4.**

36 SECTION 6. IC 34-6-2-113.3 IS ADDED TO THE INDIANA
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE UPON PASSAGE]: **Sec. 113.3. "Premises", for
 39 purposes of IC 34-30-32, has the meaning set forth in
 40 IC 34-30-32-5.**

41 SECTION 7. IC 34-30-32 IS ADDED TO THE INDIANA CODE
 42 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE



1 MARCH 1, 2020 (RETROACTIVE)];
2 **Chapter 32. Immunity Related to COVID-19**
3 **Sec. 1. This chapter applies only to a tort action.**
4 **Sec. 2. (a) As used in this chapter, "arising from COVID-19"**
5 **means an injury or harm caused by or resulting from:**
6 (1) the actual, alleged, or possible exposure to or contraction
7 of COVID-19; or
8 (2) services, treatment, or other actions performed in response
9 to COVID-19.
10 **(b) The term includes:**
11 (1) the implementation of policies and procedures to prevent
12 or minimize the spread of COVID-19;
13 (2) testing;
14 (3) monitoring, collecting, reporting, tracking, tracing,
15 disclosing, or investigating COVID-19 exposure or other
16 COVID-19 related information;
17 (4) using, designing, manufacturing, providing, donating, or
18 servicing precautionary, diagnostic, collection, or other health
19 equipment or supplies, including personal protective
20 equipment;
21 (5) closing or partially closing to prevent or minimize the
22 spread of COVID-19;
23 (6) delaying or modifying the schedule or performance of any
24 medical procedure; and
25 (7) providing services or products in response to government
26 appeal or repurposing operations to address an urgent need
27 for personal protective equipment, sanitation products, or
28 other products necessary to protect the public.
29 **Sec. 3. As used in this chapter, "COVID-19" means:**
30 (1) severe acute respiratory syndrome coronavirus 2 or a
31 mutated form of severe acute respiratory syndrome
32 coronavirus 2; or
33 (2) the disease caused by severe acute respiratory syndrome
34 coronavirus 2 or a mutated form of severe acute respiratory
35 syndrome coronavirus 2.
36 **Sec. 4. As used in this chapter, "person" means:**
37 (1) an individual;
38 (2) an association;
39 (3) an institution;
40 (4) a corporation;
41 (5) a company;
42 (6) a trust;



- 1 (7) a limited liability company;
 2 (8) a partnership;
 3 (9) a political subdivision;
 4 (10) a government office, department, division, bureau, or
 5 other body of government; or
 6 (11) any other organization or entity.

7 Sec. 5. As used in this chapter, "premises" means real property
 8 and any appurtenant building or structure.

9 Sec. 6. Subject to the other provisions of this chapter, a person
 10 is immune from civil tort liability for damages arising from
 11 COVID-19:

- 12 (1) on the premises owned or operated by the person;
 13 (2) on any premises on which the person or an employee or
 14 agent of the person provided property or services to the
 15 individual; or
 16 (3) during an activity managed, organized, or sponsored by
 17 the person.

18 Sec. 7. This chapter does not grant immunity from civil tort
 19 liability to a person whose actions or omissions constitute gross
 20 negligence or willful or wanton misconduct (including fraud and
 21 intentionally tortious acts) as proven by clear and convincing
 22 evidence.

23 Sec. 8. (a) This chapter supplements and is in addition to:

- 24 (1) IC 34-13-3 (Indiana Tort Claims Act); and
 25 (2) IC 34-18 (Indiana Medical Malpractice Act).

26 (b) This chapter does not apply to:

- 27 (1) IC 22-3-2 (Worker's Compensation);
 28 (2) IC 22-3-7 (Worker's Occupational Diseases
 29 Compensation);
 30 (3) IC 22-8 (Occupational Health and Safety); or
 31 (4) IC 22-4 (Unemployment Compensation).

32 (c) This chapter does not affect the duty of care owed by a:

- 33 (1) nursing facility (as defined in 42 U.S.C. 1396r(a));
 34 (2) nursing home; or
 35 (3) skilled nursing home;

36 to a patient, notwithstanding any procedures, policies, services,
 37 treatment, or any other actions undertaken by the nursing facility,
 38 nursing home, or skilled nursing home in response to COVID-19.

39 Sec. 9. The civil tort immunity provided in this chapter is in
 40 addition to any other immunity protection that may apply under
 41 state or federal law.

42 Sec. 10. A person may not bring a class action lawsuit based on



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tort damages arising from COVID-19.

Sec. 11. This chapter expires December 31, 2024.

SECTION 8. IC 34-30-33 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 33. COVID-19 Related Products Liability

Sec. 1. This chapter only applies to a tort action.

Sec. 2. The following definitions apply throughout this chapter:

(1) "COVID-19" means:

(A) severe acute respiratory syndrome coronavirus 2 or a mutated form of severe acute respiratory syndrome coronavirus 2; or

(B) the disease caused by severe acute respiratory syndrome coronavirus 2 or a mutated form of severe acute respiratory syndrome coronavirus 2.

(2) "COVID-19 protective product" means one (1) or more of the following:

(A) Personal protective equipment.

(B) Medical devices, equipment, and supplies used to treat COVID-19, including medical devices, equipment, or supplies that are used or modified for an unapproved use to treat COVID-19 or to prevent the spread of COVID-19.

(C) Medical devices, equipment, and supplies used outside of their normal use to treat COVID-19 or to prevent the spread of COVID-19.

(D) Medications used to treat COVID-19, including medications prescribed or dispensed for off label use to attempt to treat COVID-19.

(E) Tests, as approved by the federal Food and Drug Administration, to diagnose or determine immunity or exposure to COVID-19.

(F) A product designed to clean or disinfect to prevent the spread of COVID-19.

(G) Any component of an item described in this subdivision.

(3) "Manufacturer or supplier" means a person who designs, manufactures, labels, sells, distributes, or donates a COVID-19 protective product.

Sec. 3. This chapter applies to a cause of action that accrues on or after March 1, 2020.

Sec. 4. Except as provided in section 5 or 6 of this chapter, a manufacturer or supplier is immune from civil tort liability for



1 harm that results from the design, manufacture, labeling, sale,
2 distribution, or donation of a COVID-19 protective product.

3 **Sec. 5. The immunity from civil tort liability provided in section**
4 **4 of this chapter does not apply to an act or omission that**
5 **constitutes gross negligence or willful or wanton misconduct**
6 **(including fraud and intentionally tortious acts) as proven by clear**
7 **and convincing evidence.**

8 **Sec. 6. (a) This chapter supplements and is in addition to:**

9 **(1) IC 34-13-3 (Indiana Tort Claims Act); and**

10 **(2) IC 34-18 (Indiana Medical Malpractice Act).**

11 **(b) This chapter does not apply to a claim brought under:**

12 **(1) IC 22-3-2 (Worker's Compensation);**

13 **(2) IC 22-3-7 (Worker's Occupational Diseases**
14 **Compensation);**

15 **(3) IC 22-8 (Occupational Health and Safety); or**

16 **(4) IC 22-4 (Unemployment Compensation).**

17 **Sec. 7. The civil tort immunity provided in this chapter is in**
18 **addition to any other immunity protection that might apply under**
19 **state or federal law.**

20 **Sec. 8. A person may not bring a class action lawsuit based on**
21 **tort damages for harm that results from the design, manufacture,**
22 **labeling, sale, distribution, or donation of a COVID-19 protective**
23 **product.**

24 **Sec. 9. This chapter expires December 31, 2024.**

25 **SECTION 9. An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 1, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 34-6-2-31.4 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 31.4. (a) "COVID-19", for purposes of IC 34-30-32, has the meaning set forth in IC 34-30-32-2.**

(b) "COVID-19", for purposes of IC 34-30-33, has the meaning set forth in IC 34-30-33-2.

SECTION 2. IC 34-6-2-31.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 31.5. "COVID-19 protective product", for purposes of IC 34-30-33, has the meaning set forth in IC 34-30-33-2.**

SECTION 3. IC 34-6-2-77.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 77.1. "Manufacturer or supplier", for purposes of IC 34-30-33, has the meaning set forth in IC 34-30-33-2."**

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"Sec. 1. This chapter applies only to a tort action."

Page 1, line 5, delete "Sec. 1." and insert "Sec. 2."

Page 1, line 6, delete "2;" and insert "**2 or a mutated form of severe acute respiratory syndrome coronavirus 2;**".

Page 1, line 8, delete "2." and insert "**2 or a mutated form of severe acute respiratory syndrome coronavirus 2."**

Page 1, line 9, delete "Sec. 2." and insert "Sec. 3."

Page 2, line 5, delete "Sec. 3." and insert "Sec. 4."

Page 2, line 7, delete "Sec. 4." and insert "Sec. 5."

Page 2, line 8, after "civil" insert "**tort**".

Page 2, line 16, delete "Sec. 5." and insert "Sec. 6."

Page 2, line 16, after "civil" insert "**tort**".

Page 2, line 18, after "misconduct" insert "**(including fraud and intentionally tortious acts)**".

Page 2, line 20, delete "Sec. 6." and insert "Sec. 7."

Page 2, line 26, delete "or".



Page 2, line 27, delete "." and insert "; or".

Page 2, between lines 27 and 28, begin a new line block indented and insert:

"(4) IC 22-4 (Unemployment Compensation)."

Page 2, line 28, delete "Sec. 7." and insert "**Sec. 8.**".

Page 2, line 28, after "The" insert "**civil tort**".

Page 2, line 31, delete "Sec. 8." and insert "**Sec. 9.**".

Page 2, between lines 31 and 32, begin a new paragraph and insert:
"SECTION 5. IC 34-30-33 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 33. COVID-19 Related Products Liability

Sec. 1. This chapter only applies to a tort action.

Sec. 2. The following definitions apply throughout this chapter:

(1) "COVID-19" means:

(A) severe acute respiratory syndrome coronavirus 2 or a mutated form of severe acute respiratory syndrome coronavirus 2; or

(B) the disease caused by severe acute respiratory syndrome coronavirus 2 or a mutated form of severe acute respiratory syndrome coronavirus 2.

(2) "COVID-19 protective product" means one (1) or more of the following:

(A) Personal protective equipment.

(B) Medical devices, equipment, and supplies used to treat COVID-19, including medical devices, equipment, or supplies that are used or modified for an unapproved use to treat COVID-19 or to prevent the spread of COVID-19.

(C) Medical devices, equipment, and supplies used outside of their normal use to treat COVID-19 or to prevent the spread of COVID-19.

(D) Medications used to treat COVID-19, including medications prescribed or dispensed for off label use to attempt to treat COVID-19.

(E) Tests, as approved by the federal Food and Drug Administration, to diagnose or determine immunity or exposure to COVID-19.

(F) A product designed to clean or disinfect to prevent the spread of COVID-19.

(G) Any component of an item described in this subdivision.

(3) "Manufacturer or supplier" means a person who designs,



manufactures, labels, sells, distributes, or donates a COVID-19 protective product.

Sec. 3. This chapter applies to a cause of action that accrues on or after March 1, 2020.

Sec. 4. Except as provided in section 5 or 6 of this chapter, a manufacturer or supplier is immune from civil tort liability for harm that results from the design, manufacture, labeling, sale, distribution, or donation of a COVID-19 protective product.

Sec. 5. The immunity from civil tort liability provided in section 4 of this chapter does not apply to an act or omission that constitutes gross negligence or willful or wanton misconduct (including fraud and intentionally tortious acts) as proven by clear and convincing evidence.

Sec. 6. (a) This chapter supplements and is in addition to:

- (1) IC 34-13-3 (Indiana Tort Claims Act); and**
- (2) IC 34-18 (Indiana Medical Malpractice Act).**

(b) This chapter does not apply to a claim brought under:

- (1) IC 22-3-2 (Worker's Compensation);**
- (2) IC 22-3-7 (Worker's Occupational Diseases Compensation);**
- (3) IC 22-8 (Occupational Health and Safety); or**
- (4) IC 22-4 (Unemployment Compensation).**

Sec. 7. The civil tort immunity provided in this chapter is in addition to any other immunity protection that might apply under state or federal law.

Sec. 8. This chapter expires December 31, 2024."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 1 as introduced.)

BROWN L, Chairperson

Committee Vote: Yeas 8, Nays 3.

SENATE MOTION

Madam President: I move that Senate Bill 1 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

SB 1—LS 6801/DI 92



"SECTION 1. IC 34-6-2-3.8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.8. "Arising from COVID-19", for purposes of IC 34-30-32, has the meaning set forth in IC 34-30-32-2."**

Page 1, line 4, delete "IC 34-30-32-2." and insert "**IC 34-30-32-3.**"

Page 1, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 5. IC 34-6-2-103, AS AMENDED BY P.L.132-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 103. (a) "Person", for purposes of IC 34-14, has the meaning set forth in IC 34-14-1-13.

(b) "Person", for purposes of IC 34-11-2-11.5 and IC 34-24-4, means:

- (1) an individual;
- (2) a governmental entity;
- (3) a corporation;
- (4) a firm;
- (5) a trust;
- (6) a partnership; or
- (7) an incorporated or unincorporated association that exists under or is authorized by the laws of this state, another state, or a foreign country.

(c) "Person", for purposes of section 44.8 of this chapter and IC 34-30-29-1, means an adult or a minor.

(d) "Person", for purposes of IC 34-26-4, has the meaning set forth in IC 35-31.5-2-234.

(e) "Person", for purposes of IC 34-30-5, means any of the following:

- (1) An individual.
- (2) A corporation.
- (3) A partnership.
- (4) An unincorporated association.
- (5) The state (as defined in IC 34-6-2-140).
- (6) A political subdivision (as defined in IC 34-6-2-110).
- (7) Any other entity recognized by law.

(f) "Person", for purposes of IC 34-30-6, means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity that:

- (1) has qualifications or experience in:
 - (A) storing, transporting, or handling a hazardous substance or compressed gas;
 - (B) fighting fires;



- (C) emergency rescue; or
- (D) first aid care; or
- (2) is otherwise qualified to provide assistance appropriate to remedy or contribute to the remedy of the emergency.
- (g) "Person", for purposes of IC 34-30-18, includes:
 - (1) an individual;
 - (2) an incorporated or unincorporated organization or association;
 - (3) the state of Indiana;
 - (4) a political subdivision (as defined in IC 36-1-2-13);
 - (5) an agency of the state or a political subdivision; or
 - (6) a group of such persons acting in concert.
- (h) "Person", for purposes of sections 42, 43, 69, and 95 of this chapter, means an individual, an incorporated or unincorporated organization or association, or a group of such persons acting in concert.
- (i) "Person", for purposes of IC 34-30-10.5, means the following:
 - (1) A political subdivision (as defined in IC 36-1-2-13).
 - (2) A volunteer fire department (as defined in IC 36-8-12-2).
 - (3) An employee of an entity described in subdivision (1) or (2) who acts within the scope of the employee's responsibilities.
 - (4) A volunteer firefighter (as defined in IC 36-8-12-2) who is acting for a volunteer fire department.
 - (5) A corporation, a limited liability company, a partnership, an unincorporated association, or any other entity recognized by law.
- (j) "Person", for purposes of IC 34-28-7, means:
 - (1) an individual;
 - (2) a governmental entity;
 - (3) a corporation;
 - (4) a firm;
 - (5) a trust;
 - (6) a partnership; or
 - (7) an incorporated or unincorporated association that exists under or is authorized by the laws of this state, another state, or a foreign country.
- (k) "Person", for purposes of IC 34-31-9, has the meaning set forth in IC 34-31-9-8.
- (l) "Person", for purposes of IC 34-30-32, has the meaning set forth in IC 34-30-32-4.**

SECTION 6. IC 34-6-2-113.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 113.3. "Premises", for purposes of IC 34-30-32, has the meaning set forth in**



IC 34-30-32-5."

Page 2, between lines 4 and 5, begin a new paragraph and insert:

"Sec. 2. (a) As used in this chapter, "arising from COVID-19" means an injury or harm caused by or resulting from:

(1) the actual, alleged, or possible exposure to or contraction of COVID-19; or

(2) services, treatment, or other actions performed in response to COVID-19.

(b) The term includes:

(1) the implementation of policies and procedures to prevent or minimize the spread of COVID-19;

(2) testing;

(3) monitoring, collecting, reporting, tracking, tracing, disclosing, or investigating COVID-19 exposure or other COVID-19 related information;

(4) using, designing, manufacturing, providing, donating, or servicing precautionary, diagnostic, collection, or other health equipment or supplies, including personal protective equipment;

(5) closing or partially closing to prevent or minimize the spread of COVID-19;

(6) delaying or modifying the schedule or performance of any medical procedure; and

(7) providing services or products in response to government appeal or repurposing operations to address an urgent need for personal protective equipment, sanitation products, or other products necessary to protect the public."

Page 2, line 5, delete "Sec. 2." and insert "**Sec. 3.**".

Page 2, line 12, delete "Sec. 3." and insert "**Sec. 4.**".

Page 2, line 25, delete "Sec. 4." and insert "**Sec. 5.**".

Page 2, line 27, delete "Sec. 5." and insert "**Sec. 6.**".

Page 2, line 28, delete "resulting from" and insert "**arising from COVID-19:**".

Page 2, delete line 29.

Page 2, line 36, delete "Sec. 6." and insert "**Sec. 7.**".

Page 2, line 41, delete "Sec. 7." and insert "**Sec. 8.**".

Page 3, between lines 7 and 8, begin a new paragraph and insert:

"(c) This chapter does not affect the duty of care owed by a:

(1) nursing facility (as defined in 42 U.S.C. 1396r(a));

(2) nursing home; or

(3) skilled nursing home;

to a patient, notwithstanding any procedures, policies, services,



treatment, or any other actions undertaken by the nursing facility, nursing home, or skilled nursing home in response to COVID-19."

Page 3, line 8, delete "Sec. 8." and insert "**Sec. 9.**".

Page 3, between lines 10 and 11, begin a new paragraph and insert:

"Sec. 10. A person may not bring a class action lawsuit based on tort damages arising from COVID-19."

Page 3, line 11, delete "Sec. 9." and insert "**Sec. 11.**".

Page 4, between lines 28 and 29, begin a new paragraph and insert:

"Sec. 8. A person may not bring a class action lawsuit based on tort damages for harm that results from the design, manufacture, labeling, sale, distribution, or donation of a COVID-19 protective product."

Page 4, line 29, delete "Sec. 8." and insert "**Sec. 9.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 1 as printed January 15, 2021.)

MESSMER

