

SENATE FILE NO. SF0019

Public health emergencies-immunity amendments.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to public health and safety; amending
2 provisions related to immunity from civil liability for
3 actions and omissions during public health emergencies;
4 specifying applicability; and providing for an effective
5 date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 35-4-114(a) and by creating a new
10 subsection (d) is amended to read:

11

12 **35-4-114. Immunity from liability.**

13

14 (a) During a public health emergency as defined by
15 W.S. 35-4-115(a)(i), any ~~health care provider or other~~
16 person, ~~including a business or~~ or entity, who is in

1 substantial compliance with orders, guidance or
2 instructions or who in good faith follows the instructions
3 of ~~a~~the state, health officer or a Wyoming city, town or
4 county health officer or who acts in good faith in
5 responding to the public health emergency is immune from
6 any liability arising from ~~complying with those~~
7 ~~instructions or acting in good faith~~ acts or omissions of
8 the person or entity that caused another to be exposed to
9 or contract the disease, agent or toxin for which the
10 public health emergency is declared. ~~This immunity shall~~
11 ~~apply to health care providers who are retired, who have an~~
12 ~~inactive license or who are licensed in another state~~
13 ~~without a valid Wyoming license and while performing as a~~
14 ~~volunteer during a declared public health emergency as~~
15 ~~defined by W.S. 35-4-115(a)(i).~~ This immunity shall not
16 apply to acts or omissions constituting gross negligence or
17 willful or wanton misconduct.

18

19 (d) The immunity provided in subsection (a) of this
20 section shall apply only to actions or omissions causing
21 exposure to or the contraction of the disease, agent or
22 toxin for which a public health emergency is declared under

1 W.S. 35-4-115(a)(i) and arising from actions or omissions
2 occurring during the declared public health emergency.

3

4 **Section 2.** Notwithstanding W.S. 35-4-114(d), as
5 created by Section 1 of this act, this act shall apply to
6 all actions and omissions that cause injury occurring on
7 and after the effective date of this act.

8

9 **Section 3.** This act is effective immediately upon
10 completion of all acts necessary for a bill to become law
11 as provided by Article 4, Section 8 of the Wyoming
12 Constitution.

13

14

(END)