

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 6159**

A bill to provide immunity for health care providers and health care facilities in the event of a pandemic; and to clarify the time frame for the immunity.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "pandemic health care immunity act".

3 Sec. 3. As used in this act:

4 (a) "Gross negligence" means conduct so reckless as to
5 demonstrate a substantial lack of concern for whether an injury
6 results.

7 (b) "Health care facility" means an entity that is 1 or more
8 of the following:

9 (i) A health facility or agency as defined in section 20106 of



1 the public health code, 1978 PA 368, MCL 333.20106.

2 (ii) A state-owned surgical center.

3 (iii) A state-operated outpatient facility.

4 (iv) A state-operated veterans facility.

5 (v) A facility used as surge capacity for any of the health
6 care facilities described in this subdivision.

7 (c) "Health care provider" means an individual that is 1 or
8 more of the following:

9 (i) An individual licensed under article 15 of the public
10 health code, 1978 PA 368, MCL 333.16101 to 333.18838.

11 (ii) An individual permitted to engage in the practice of a
12 health profession under section 16171(c) of the public health code,
13 1978 PA 368, MCL 333.16171.

14 (iii) Emergency medical services personnel as defined in section
15 20904 of the public health code, 1978 PA 368, MCL 333.20904.

16 (iv) A student, volunteer, or any other licensed health care
17 professional **at a health care facility**.

18 (d) "Health care services" means services provided to an
19 individual by a health care facility or health care provider
20 regardless of the location where those services are provided,
21 including the provision of health care services via telehealth or
22 other remote method.

23 (e) "Willful misconduct" means conduct or a failure to act
24 that was intended to cause harm.

25 Sec. 5. A health care provider or health care facility that
26 provides health care services in support of this state's response
27 to the COVID-19 pandemic is not liable for an injury, including
28 death, sustained by an individual by reason of those services,
29 regardless of how, under what circumstances, or by what cause those



1 injuries are sustained, unless it is established that the provision
2 of the services constituted willful misconduct, gross negligence,
3 intentional and willful criminal misconduct, or intentional
4 infliction of harm by the health care provider or health care
5 facility.

6 Sec. 6. This act does not apply to claims covered by the
7 worker's disability compensation act of 1969, 1969 PA 317, MCL
8 418.101 to 418.941.

9 Sec. 7. The liability protection provided by this act applies
10 retroactively, and applies on or after March 29, 2020 and before
11 July 14, 2020.

