

116TH CONGRESS
2D SESSION

H. R. 7179

To provide liability protection for covered providers during the COVID–19 outbreak, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2020

Mr. MURPHY of North Carolina (for himself and Mr. HARRIS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide liability protection for covered providers during the COVID–19 outbreak, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Pandemic Liability
5 Protection Act”.

6 **SEC. 2. PROTECTION FROM LIABILITY FOR COVERED PRO-**
7 **VIDERS IN CERTAIN CIVIL ACTIONS RELAT-**
8 **ING TO COVID-19.**

9 (a) IN GENERAL.—Except as provided in subsection
10 (b), a covered provider who operated during a public

1 health emergency with respect to COVID–19 declared pur-
2 suant to section 319 of the Public Health Service Act (42
3 U.S.C. 247d) shall not be liable under Federal or State
4 law for any act or omission of such covered provider with
5 respect to any harm arising from exposure to, or infection
6 by, the virus that causes COVID–19.

7 (b) EXCEPTION.—Subsection (a) does not apply if
8 the harm was caused by an act or omission constituting
9 willful or criminal misconduct, gross negligence, reckless
10 misconduct, or a conscious flagrant indifference to the
11 rights or safety of the individual harmed by the covered
12 provider.

13 (c) PREEMPTION.—This section preempts the laws of
14 a State or any political subdivision of a State to the extent
15 that such laws are inconsistent with this section, unless
16 such laws provide greater protection from liability.

17 (d) COVERED PROVIDER DEFINED.—In this Act, the
18 term “covered provider” means any of the following:

19 (1) A healthcare provider which includes a
20 nursing home, health care clinic, pharmacy, hospital,
21 outpatient center, blood donation center, and urgent
22 care center.

- 1 (2) A food provider which includes an owner or
- 2 operator of a farm, fishery, food processing plant,
- 3 food packaging plant, restaurant, and grocery store.

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