

INTERIM STUDY PROPOSAL 2019-157

State of Arkansas  
92nd General Assembly  
Second Extraordinary Session, 2020

**A Bill**

BPG/BPG  
SENATE BILL

By: Senator Irvin

Filed with: Senate Committee on Public Health, Welfare, and Labor  
pursuant to A.C.A. §10-3-217.

**For An Act To Be Entitled**

AN ACT PROVIDING IMMUNITY FROM LIABILITY FOR DEATH,  
INJURY, OR PROPERTY DAMAGE SUSTAINED AS A RESULT OF  
AN ACT OR OMISSION BY AN EMERGENCY RESPONDER,  
HEALTHCARE PROVIDER, OR HEALTHCARE FACILITY IN THE  
COURSE OF PROVIDING EMERGENCY MANAGEMENT SERVICES  
DURING THE COVID-19 PUBLIC HEALTH EMERGENCY; TO  
DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

**Subtitle**

PROVIDING IMMUNITY FROM LIABILITY FOR AN  
EMERGENCY RESPONDER, HEALTHCARE PROVIDER,  
OR HEALTHCARE FACILITY FOR CERTAIN ACTS  
OR OMISSIONS DURING THE COVID-19 PUBLIC  
HEALTH EMERGENCY; AND TO DECLARE AN  
EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 16, Chapter 120, Subchapter 8, is  
amended to add an additional section to read as follows:

16-120-804. Immunity from liability for emergency responders,  
healthcare providers, and healthcare facilities.

(a) As used in this section:

(1) "COVID-19" means coronavirus disease 2019 or the virus that  
causes coronavirus disease 2019 in some individuals;

1           (2) "Emergency responder" means the same as defined in § 12-75-  
2 103;

3           (3) "Healthcare facility" means the same as defined under § 20-  
4 6-303; and

5           (4) "Healthcare provider" means a person who is licensed,  
6 certified, or otherwise authorized by the laws of this state to administer  
7 health care in the ordinary course of the practice of his or her profession.

8           (b) In addition to any other immunity protections provided by state or  
9 federal law, during a public health emergency related to COVID-19 as declared  
10 by the Governor, emergency responders, healthcare providers, and healthcare  
11 facilities are immune from liability for any death, injury, or property  
12 damage alleged to have been sustained as a result of an act or omission by an  
13 emergency responder, healthcare provider, or healthcare facility in the  
14 course of providing emergency management services while the emergency  
15 responders, healthcare providers, and healthcare facilities are acting within  
16 the course and scope of their employment or business or while otherwise  
17 acting as an emergency responder or healthcare provider or operating as a  
18 healthcare facility.

19           (c) This section does not apply to an emergency responder , healthcare  
20 provider, or healthcare facility that engages in:

- 21           (1) Willful misconduct;
- 22           (2) Reckless infliction of harm; or
- 23           (3) Intentional infliction of harm.

24           (d) This section does not extend to workers' compensation benefits  
25 paid by or on behalf of an employer to an employee under the Workers'  
26 Compensation Law, § 11-9-101 et seq., or a comparable workers' compensation  
27 law of another jurisdiction.

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29           SECTION 2. EFFECTIVE DATE. Section 1 of this act is effective through  
30 March 31, 2021.

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32           SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
33 General Assembly of the State of Arkansas that emergency responders,  
34 healthcare providers, and healthcare facilities have been limiting their  
35 services due to the potential threat of liability during the public health  
36 emergency caused by coronavirus disease 2019 (COVID-19), or by severe acute

1 respiratory syndrome coronavirus 2 (SARS-CoV-2) or any of its mutations, and  
2 this potential threat of liability is creating uncertainty for emergency  
3 responders, healthcare providers, and healthcare facilities in Arkansas; that  
4 providing clarity for emergency responders, healthcare providers, and  
5 healthcare facilities could encourage additional medical assistance to  
6 Arkansans and thereby reduce the spread of coronavirus disease 2019 (COVID-  
7 19) in Arkansas; and that this act is immediately necessary because Arkansans  
8 need access to medical care, and emergency responders, healthcare providers,  
9 and healthcare facilities need clarification concerning their potential  
10 liability during the public health emergency caused by coronavirus disease  
11 2019 (COVID-19), or by severe acute respiratory syndrome coronavirus 2 (SARS-  
12 CoV-2) or any of its mutations, in order to provide much-needed medical  
13 services and support in Arkansas. Therefore, an emergency is declared to  
14 exist, and this act being immediately necessary for the preservation of the  
15 public peace, health, and safety shall become effective on:

- 16 (1) The date of its approval by the Governor;  
17 (2) If the bill is neither approved nor vetoed by the Governor,  
18 the expiration of the period of time during which the Governor may veto the  
19 bill; or  
20 (3) If the bill is vetoed by the Governor and the veto is  
21 overridden, the date the last house overrides the veto.

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24 Referred by Senator Irvin

25 Prepared by: MBM/JMT  
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