

1 **PANDEMIC PREPAREDNESS AMENDMENTS**

2 2008 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Bradley G. Last**

5 Senate Sponsor: Darin G. Peterson

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7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Health Care Providers Immunity from Liability Act.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ provides that an entity that allows a governmental agency or political subdivision to  
13 use its building to provide drugs or vaccines during certain declared public health  
14 emergencies is protected from liability during the public health emergency.

15 **Monies Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **58-13-2.6**, as enacted by Laws of Utah 2007, Chapter 33

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23 *Be it enacted by the Legislature of the state of Utah:*

24 Section 1. Section **58-13-2.6** is amended to read:

25 **58-13-2.6. Emergency care rendered by a person or health care facility.**

26 (1) For purposes of this section:

27 (a) "Emergency" means an unexpected occurrence involving injury, the threat of injury,  
28 or illness to a person or the public due to:

29 (i) a natural disaster;

- 30 (ii) bioterrorism;
- 31 (iii) an act of terrorism;
- 32 (iv) a pandemic; or
- 33 (v) other event of similar nature.

34 (b) "Emergency care" includes actual assistance or advice offered to avoid, mitigate, or  
35 attempt to mitigate the effects of an emergency.

36 (c) "Person" is defined in Subsection 26-21-2(18).

37 (2) (a) A person who, in good faith, assists governmental agencies or political  
38 subdivisions with the activities described in Subsection (2)(b) is not liable for civil damages or  
39 penalties as a result of any act or omission unless the person rendering the assistance:

- 40 (i) is grossly negligent;
- 41 (ii) caused the emergency; or
- 42 (iii) has engaged in criminal conduct.

43 (b) The following activities are protected from liability in accordance with Subsection  
44 (2)(a):

45 (i) implementing measures to control the causes of epidemic, pandemic, communicable  
46 diseases, or other conditions significantly affecting public health, as necessary to protect the  
47 public health in accordance with Title 26A, Chapter 1, Local Health Departments;

48 (ii) investigating, controlling, and treating suspected bioterrorism or disease in  
49 accordance with Title 26, Chapter 23b, Detection of Public Health Emergencies Act; ~~or~~

50 (iii) responding to:

51 (A) a national, state, or local emergency;

52 (B) a public health emergency as defined in Section 26-23b-102; or

53 (C) a declaration by the President of the United States or other federal official  
54 requesting public health related activities[-]; and

55 (iv) providing a facility for use by a governmental agency or political subdivision to  
56 distribute pharmaceuticals or administer vaccines to the public.

57 (c) Subsection (2)(a) applies to a person even if that person has:

58 (i) a duty to respond; or

59 (ii) an expectation of payment or remuneration.

60 (3) The immunity in Subsection (2) is in addition to any immunity protections that may  
61 apply in state or federal law.