

MODEL STATE EXECUTIVE ORDER FOR COVID-19 LIABILITY IMMUNITY

1. Consistent with **[state emergency declaration/authorizing statutes]** (the “Emergency”), any individual holding a license, certificate, registration, or certification (whether or not it is temporary or conditional or issued by this State or the governing board of another jurisdiction) to practice a health care profession or occupation related to the provision of care, shall be immune from civil liability for any damages (including injury, illness, death, or contraction of COVID-19) alleged to have been sustained as a result of the individual’s acts or omissions if undertaken in good faith, whether or not within the scope of the individual’s ordinary practice, in the course of providing services in support of, consistent with, or impacted by the State’s COVID-19 response, whether or not such immunity is otherwise available under current law. Such immunity shall not extend to acts or omissions that constitute a crime, actual fraud, actual malice, gross negligence, or willful misconduct.
2. Consistent with **[state emergency declaration/authorizing statutes]**, any healthcare or senior residential facility or other facility or organization licensed, registered, or otherwise engaged in the provision of health care, personal care, or assisted living services in this State or as designated by the **[state official]** for **[State health agency]** (whether or not such license, registration, provision, or designation is temporary or conditional), and their employees, shall be immune from civil liability for any damages (including injury, illness, death, or contraction of COVID-19) alleged to have been sustained as a result of acts or omissions of the facility, organization, or its employee, if undertaken in good faith, in the course of providing services in support of, consistent with, or impacted by the State’s COVID-19 response, whether or not such immunity is otherwise available under current law. Such immunity shall not extend to acts or omissions that constitute a crime, actual fraud, actual malice, gross negligence, or willful

misconduct. Nothing in this directive shall be deemed to affect workers compensation coverage obligations or liabilities.

3. It shall be the duty of every person and entity in this State or doing business in this State **[and of the members of the governing body and every official, employee, or agent of every political subdivision in this State]** to cooperate fully in all matters concerning this Executive Order or other State agency directives, orders, and requests regarding the delivery of care, including but not limited to following all state-approved triage and care protocols. All cooperating persons and entities acting in support of, consistent with, or impacted by the State's COVID-19 response are deemed to be agents, officials, or volunteers (paid or unpaid) of the State for the duration of the Emergency and entitled to all immunities applicable to such agents, officials, or volunteers of the State.