

HB0059HS001

1 Page 1-line 1 Delete "providing".

2
3 Page 1-line 2 Delete "legislative findings;".

4
5 Page 2-lines 1 through 22 Delete entirely.

6
7 Page 3-lines 1 through 19 Delete entirely and insert:

8
9 (a) During a public health emergency as defined by W.S. 35-
10 4-115(a)(i), any health care provider ~~or other person, including~~
11 ~~a business entity,~~ who in good faith follows the instructions of
12 a state, city, town or county health officer or who acts in good
13 faith in responding to the public health emergency is immune from
14 any liability arising from complying with those instructions or
15 acting in good faith. This immunity shall apply to health care
16 providers who are retired, who have an inactive license or who are
17 licensed in another state without a valid Wyoming license and while
18 performing as a volunteer during a declared public health emergency
19 as defined by W.S. 35-4-115(a)(i). This immunity shall not apply
20 to acts or omissions constituting gross negligence or willful or
21 wanton misconduct.

22
23 (d) Notwithstanding subsection (a) of this section, during a
24 public health emergency as defined by W.S. 35-4-115(a)(i), any
25 person or other entity shall be immune from civil liability for
26 any acts or omissions of the person or entity that caused another
27 to be exposed to or to contract the disease, agent or toxin for
28 which the public health emergency is declared. This immunity shall
29 not apply to acts or omissions constituting gross negligence or
30 willful or wanton misconduct. For purposes of this subsection, any
31 complaint alleging that acts or omissions of a person or entity
32 caused another to be exposed to or to contract the disease, agent
33 or toxin for which a public health emergency is declared shall
34 state with particularity the acts or omissions constituting the
35 basis of the civil action, which shall be proven by clear and
36 convincing evidence.

37
38 (e) The immunity provided in subsection (d) of this section
39 shall only apply to:

40
41 (i) Claims alleging that actions or omissions caused
42 exposure to or the contraction of a disease, agent or toxin for
43 which a public health emergency was declared under W.S. 35-4-

1 115(a)(i) and arising from actions or omissions occurring during
2 the declared public health emergency; and

3
4 (ii) Any person or entity whose alleged act or omission
5 was in substantial compliance or was consistent with any federal,
6 state, county or municipal statute, regulation, order, ordinance
7 or public health guidance related to the disease, agent or toxin
8 for which a public health emergency is declared under W.S. 35-4-
9 115(a)(i).". FLITNER, CHAIRMAN