

State	Enacted	Link	Executive Order - Medical Protections	Executive Order - Business Protections
Alabama	5/8/20	State Proclamation #	<p>Medical Protections: A business, health care provider, or other covered entity is not liable for injury, death, or property damage arising from any act or omission related to COVID-19 transmission or a covered COVID-19 response activity, unless a claimant shows by clear and convincing evidence that the injury was caused by wanton, reckless, willful, or intentional misconduct. Unless there is a "serious physical injury," liability is limited to actual economic compensatory damages. Noneconomic and punitive damages are not available. Punitive damages are the only relief in a wrongful death action. For a cause of action that accrued before the Proclamation and where a court finds the liability protections above do not apply, a covered entity is not liable for negligence, premises liability, or for any non-wanton, non-willful, or non-intentional civil cause of action relating to COVID-19 response activity unless the claiming proves by clear and convincing evidence that the business, health care provider, or other covered entity did not reasonably attempt to comply with the then applicable public health guidance. Unless there is a "serious physical injury," liability is limited to actual economic compensatory damages. Damages for mental anguish, emotional distress, or punitive damages are not available. Punitive damages are the only relief in a wrongful death action. A "covered COVID-19 response" includes activities such as testing and investigating exposures, providing health care services in response to COVID-19 or that was negatively affected by COVID-19, manufacturing or precautionary equipment such as PPE in connection with COVID-19, or any design or manufacturing of testing materials under the direction of the Alabama Department of Public Health. "Serious physical injury" is defined as "a death or an injury that requires either in-patient hospitalization of at least 48 hours, permanent impairment of a bodily function, or permanent damage to a body structure." If a court holds the standard of care (wanton, reckless, willful, or intentional misconduct) is invalid, then the standard is (1) failure to comply with or reasonably attempt to comply with applicable public health guidance, or (2) willful misconduct, gross negligence, or bad faith.</p>	<p>Business Protections: A business, health care provider, or other covered entity is not liable for injury, death, or property damage arising from any act or omission related to COVID-19 transmission or a covered COVID-19 response activity, unless a claimant shows by clear and convincing evidence that the injury was caused by wanton, reckless, willful, or intentional misconduct. Unless there is a "serious physical injury," liability is limited to actual economic compensatory damages. Noneconomic and punitive damages are not available. Punitive damages are the only relief in a wrongful death action. For a cause of action that accrued before the Proclamation and where a court finds the liability protections above do not apply, a covered entity is not liable for negligence, premises liability, or for any non-wanton, non-willful, or non-intentional civil cause of action relating to COVID-19 response activity unless the claiming proves by clear and convincing evidence that the business, health care provider, or other covered entity did not reasonably attempt to comply with the then applicable public health guidance. Unless there is a "serious physical injury," liability is limited to actual economic compensatory damages. Damages for mental anguish, emotional distress, or punitive damages are not available. Punitive damages are the only relief in a wrongful death action. A "covered COVID-19 response" includes activities such as testing and investigating exposures, providing health care services in response to COVID-19 or that was negatively affected by COVID-19, manufacturing or precautionary equipment such as PPE in connection with COVID-19, or any design or manufacturing of testing materials under the direction of the Alabama Department of Public Health. "Serious physical injury" is defined as "a death or an injury that requires either in-patient hospitalization of at least 48 hours, permanent impairment of a bodily function, or permanent damage to a body structure." If a court holds the standard of care (wanton, reckless, willful, or intentional misconduct) is invalid, then the standard is (1) failure to comply with or reasonably attempt to comply with applicable public health guidance, or (2) willful misconduct, gross negligence, or bad faith.</p>
Alaska	4/9/20	Alaska SB 241		
Arizona	4/9/20	EO 20-27	<p>Medical Protections: An Arizona-licensed healthcare professional, a registered and recruited volunteer health professional, or an EMT in the course of providing medical services in support of the state's COVID-19 public health emergency is presumed to have acted in good faith and is immune from civil liability. A healthcare professional, EMT, healthcare institution, or any other entity operating a modular field treatment facility or other site in support of the state's COVID-19 response, whether or not it is a licensed healthcare institution, designated by the Director of the Arizona Department of Health Services for temporary use is immune from civil liability for triage decisions based on good faith reliance on mandatory or voluntary state-approved protocols. Any entity operating a modular field treatment facility or other site is also immune from civil liability for acts or omissions undertaken in good faith by its agents, officers, employees, representatives, or volunteers while providing healthcare services in support of the state's COVID-19 response. This liability protection does not extend to gross negligence or reckless or willful misconduct, such as a healthcare professional or volunteer render medical services under the influence of alcohol or an intoxicating drug. Expires on June 30, 2020 unless extended.</p>	
Arkansas	4/13/20	EO 20-18	<p>Medical Protections: Provides immunity to physicians, physician assistants, specialist assistants, nurse practitioners, licensed registered nurses, and licensed practical nurses for injury or death sustained directly as a result of an act or omission by the medical professional in the course of providing services in support of the State's COVID-19 response or the implementation of measures to control the causes of the COVID-19 epidemic. Takes this action by expanding the definition of "emergency response" in the Arkansas Emergency Services Act of 1973, which are protected from liability when complying with or reasonably attempting to comply with that law except in cases of willful misconduct, gross negligence, or bad faith. Ark. Code § 12-75-128. Does not apply when: - The person acted outside the scope of his or her practice unless the person has been redeployed to the extent necessary to respond to the COVID-19 outbreak; or - The person acted with gross negligence, willful misconduct, or bad faith. Runs for the duration of the COVID-19 emergency declared on March 11, 2020.</p>	
Connecticut	4/5/20	EO 2U	<p>Medical Protections: A health care professional or facility is immune from civil liability for an injury or death allegedly sustained allegedly sustained because of an act or omission undertaken in good faith while providing care in support of the state's COVID-19. Examples are acts of omissions undertaken because of a lack of resources attributable to the COVID-19 pandemic that renders the health care professional or facility unable to provide the level or manner of care that otherwise would have been required in absence of the COVID-19 pandemic. This liability protection does not apply to acts or omissions that constitute a crime, or constitute fraud, malice, gross negligence, willful misconduct, or a false claim. Applies to acts or omissions occurred any time after the declaration of a public health emergency on March 10, 2020, including actions prior to issuance of the Order, and remains in effect for the duration of the emergency.</p>	
D.C.	4/10/20	DC Act 23-281	<p>*D.C. Code 7-2304.01 authorizes the Mayor, when declaring a public emergency, to issue a public health emergency executive order that exempts licensed health care providers, either from the District of Columbia or from other jurisdictions, from civil liability for damages for any actions taken within the scope of the provider's employment or voluntary service to implement the provisions of the District of Columbia response plan, except in instances of gross negligence, and solely for actions taken during the public health emergency.</p>	
Delaware	4/23/20	EO Modification	<p>*The Order designates as "qualified medical personnel" health care volunteers who have held an active license or certification in any state that is now inactive, expired, or lapsed, and who register with the Medical Reserve Corps and work in a hospital that activates a crisis standard of care for COVID-19 that has been granted written approval by the Public Health Authority. *This designation provides health care volunteers with immunity for any loss resulting from relief activities under 20 Del. C. § 1129. *Does not apply if the death, injury, or damage to property was intentional or caused by the willful or wanton disregard of the rights of others.</p>	
Georgia	Executive Order - 4/14/20 Legislation - 2010	Executive Order	<p>Medical Protections: During the Public Health State of Emergency, employees, staff, and contractors of healthcare institutions and medical facilities are considered auxiliary emergency management workers. Services provided by healthcare institutions and medical facilities are considered emergency management activities. Ga. Code § 38-3-35 provides that: "[E]xcept in cases of willful misconduct, gross negligence, or bad faith, . . . [no] auxiliary emergency management worker . . . engaged in any emergency management activity complying with or reasonably attempting to comply with Articles 1 through 3 of this chapter . . . [or other] regulations enacted pursuant to this chapter) shall be liable for the death of or the injury to person or for damage to property as a result of any such activity."</p>	
Hawaii	4/16/20	EO 20-05	<p>Medical Protections: Orders all health care facilities, professionals, and volunteers to render assistance in support of the State's response to the COVID-19 disaster recognized by Emergency Proclamations. For health care facilities, rendering assistance includes cancelling or postponing elective surgeries and procedures as each facility determines to be appropriate under the circumstances presented by the COVID-19 emergency if elective surgeries or procedures are performed at the health care facility. In addition, for health care facilities, rendering assistance must include measures such as increasing the number of beds, preserving personal protective equipment, or taking necessary steps to prepare to treat patients with COVID-19. For health care professionals, rendering assistance means providing health care services at a health care facility in response to the COVID-19 outbreak, or working under the direction of HEMA or HDCH pursuant to the Emergency Proclamations. For health care volunteers, rendering assistance means providing services, assistance, or support at a health care facility in response to the COVID-19 outbreak, or working under the direction of HEMA or HDCH pursuant to the Emergency Proclamations. During the Emergency Proclamations, health care facilities, professionals, and volunteers that in good faith comply completely with all state and federal orders regarding the disaster emergency are immune from civil liability for any death or injury to persons, or property damage alleged to have been caused by any act or omission that occurred in the course of rendering assistance to the State by providing health care services in response to the COVID-19 outbreak. Does not apply to willful misconduct, gross negligence, or recklessness. Does not preempt or limit any applicable immunity from civil liability available to any health care facility, professional, or volunteer.</p>	
Idaho	5/26/05	ID 39-1391c		

Illinois	4/1/20	EO 20-19	<p>Medical Protections: During the COVID-19 emergency, health care facilities, professionals, and volunteers are immune from civil liability for any injury or death allegedly caused by any act or omission while that person or entity was engaged in the course of rendering assistance to the state by providing health care services in response to the COVID-19 outbreak.</p> <p>For health care facilities, rendering assistance includes:</p> <ul style="list-style-type: none"> - Cancelling or postponing elective surgeries and procedures; - Measures such as increasing the number of beds, preserving personal protective equipment, or taking necessary steps to prepare to treat patients with COVID-19. <p>For health care professionals and volunteers, rendering assistance means working under the direction providing health care services at a health care facility in response to the COVID-19 outbreak, or working under the direction of IEMA or DPH in response to the Governorial Disaster Proclamations.</p> <p>This liability protection does not apply to the gross negligence or willful misconduct of a health care professional, or to the willful misconduct of a health care volunteer.</p> <p>Remains in effect for the duration of the Governorial Disaster Proclamations.</p>
Indiana	2016	IC 34-30-13-5-1	
Iowa	4/9/20	Iowa Department of Public Health PPE Order	<p>Iowa Department of Public Health PPE Order: Following the governor's declaration of a public health disaster emergency on March 17, 2020 in response to the COVID-19 pandemic, the Department is authorized to control, restrict, and regulate the use, sale, dispensing, distribution, or transportation of PPE.</p> <ul style="list-style-type: none"> - PPE includes protective clothing, gloves, face shields, goggles, facemasks, respirators, gowns, aprons, coveralls, or other equipment designed to protect the wearer from injury or the spread of infection or illness. - Orders all Iowa health care providers, hospitals, health care facilities, clinics, local public health agencies, medical and response organizations, and any other person or facility utilizing PPE in the care or treatment of a patient or resident to cooperate with the Department and local boards of health to assess and monitor the supply of PPE by: <ul style="list-style-type: none"> - Decreasing demand by taking actions such as minimizing patient contacts and banning nonessential medical services, and canceling elective procedures. - Implementing contingency capacity strategies, such as extended use of facemasks and respirators. - Implementing crisis capacity strategies, such as reusing facemasks and respirators. <p>Iowa Code § 135.147 provides immunity for persons, corporations, and other entities, and their employees and agents who provide medical care or assistance in good faith under the direction of the Department of Public Health during a public health disaster.</p> <p>This immunity does not apply to reckless conduct.</p> <p>A health care provider, hospital, health care facility, and any other person, corporation, or other legal entity or employee of all such entities acting in compliance with this Order, or other guidance issued by the Iowa Department of Public Health or the CDC related to optimizing PPE supply, in good faith is acting at the request of and under the direction of the Department and qualifies for immunity.</p>
Kansas	Executive Order - 4/22/20 Legislation - 2004	EO 20-26	<p>Medical Protections: Healthcare providers making clinical triage decisions and rendering assistance, testing, care, or advice in the care of suspected or confirmed COVID-19 patients are immune from suit.</p> <ul style="list-style-type: none"> - Does not apply to an adverse event or injury caused by the willful misconduct, gross negligence, recklessness, or bad faith. - The order is "not intended to extend to medical treatment or procedures performed in the ordinary or customary course of practice." <p>Applies beginning April 22, 2020, until the later of May 31, 2020, or the expiration of the statewide COVID-19 State of Disaster Emergency.</p>
Kentucky	3/30/20	SB 150	
Louisiana	2012	LSA R.S. 29:771(B)(2)(c)	
Massachusetts	4/17/20	SB 2648	
Maryland	2016	Code, Public Safety § 14-3A-06	
Michigan	3/30/20	EO 20-30	<p>Medical Protections: A licensed health care professional or designated health care facility that provides medical services in support of the state's response to the COVID-19 pandemic is immune from civil claims.</p> <p>This liability protection does not apply if the injury or death was caused by the health care professional's or facility's gross negligence.</p> <p>Remains in effect until the end of the declared emergency.</p>
Mississippi	4/10/20	EO 1471	<p>Medical Protections: A healthcare professional or facility is immune from civil liability for an injury or death allegedly sustained because of acts or omissions while providing healthcare services.</p> <p>This immunity includes, but is not limited to:</p> <ul style="list-style-type: none"> - Screening, assessing, diagnosing, treating patients for COVID-19 or otherwise acting in support of the State's COVID-19 response. - Acts or omissions stemming from a lack of resources attributable to the COVID-19 pandemic that renders the healthcare professional or facility unable to provide the level or manner of care that otherwise would have been required in the absence of the COVID-19 pandemic. - This liability protection does not apply to acts or omissions that constitute a crime, fraud, malice, reckless disregard, willful misconduct, or would otherwise constitute a false claim. <p>Expires on May 15, 2020, unless modified, amended, rescinded, or superseded.</p>
Missouri	2017	MO Rev Stat § 44.045 (2017)	
New Hampshire	5/13/20	EO 2020-04	<ul style="list-style-type: none"> - Generally orders all facilities providing residential care to elderly or infirm patients to prohibit visitor access to reduce transmission of COVID-19. - Contains exceptions, including for medically necessary personnel. - The state's emergency powers law provides that no "private corporations . . . complying with or reasonably attempting to comply with . . . any order . . . adopted . . . pursuant to the provisions of this subdivision . . . shall be liable for the death of or injury to persons, or for damage to property, as a result of any such activity." N.H. Rev. Stat. Ann. § 21-P:41(b). - As a result of the Executive Order and this existing statute, nursing homes are immune from liability for any injury or death at a nursing home caused by denying access to visitors who are not permitted entrance under the Order.
New Jersey	Executive Order - 4/1/20 Legislation - 4/14/20	SB 2333	<p>Medical Protections: A licensed healthcare professional or individual granted a temporary license to practice in connection with the state's COVID-19 response is immune from liability in the course of providing healthcare services in good faith in support of the state's COVID-19 response. This protection applies regardless of whether the individual's acts were in the scope of his or her licensed practice.</p> <ul style="list-style-type: none"> - A healthcare facility, modular field treatment facility, and any other site designated by the Commissioner of the Department of Health for temporary use to provide essential services in support of the state's COVID-19 response, including hotels and student dormitories, are immune from civil liability for any damages allegedly sustained as a result of an act or omission undertaken in good faith in support of the state's COVID-19 response by its agents, officers, employees, servants, representatives or volunteers. - These liability protections do not apply to acts or omissions that constitute a crime, actual fraud, gross negligence, or willful misconduct. <p>Applies to acts or omissions occurring at any time during the State of Emergency or Public Health Emergency, including those occurring prior to issuance of the Order.</p>

New York	Executive Order - 3/23/20 Legislation - 4/3/20	SB 2596	Medical Protections: Health care professionals are immune from civil claims for any injury or death alleged to have been sustained directly as a result of an act or omission in the course of providing medical services in support of the State's response to the COVID-19 outbreak. Applies to physicians, physician assistants, specialist assistants, nurse practitioners, licensed registered professional nurses and licensed practical nurses. This liability protection does not apply if the injury or death was caused by the gross negligence of the medical professional. Expires April 22, 2020.
North Carolina	Executive Order - 4/8/2020 Legislation - 4/1/20	SL 2020-3	Medical Protections: requests all licensed/authorized healthcare professionals to provide emergency services, and declares all those doing so to be deemed "emergency management workers" thereby granting them immunity from civil liability (excluding willful misconduct, gross negligence, or bad faith under state law. Also authorizes the waiver of regulations to allow for increased health facility capacity or authority to provide certain services, and waives certain healthcare professional licensing requirements.
Nevada	Executive Order - 4/01/20 Legislation - 2017	NRS 414.110	Medical Protections: Directive 011 clarifies that healthcare professionals performing emergency management services in response to the COVID-19 pandemic pursuant to NRS 414.110 will be immune from civil liability. The directive also requires professional licensing boards to temporarily waive licensing requirements pertaining to out-of-state, foreign, and other skilled medical professionals who are not licensed in the state. The directive also temporarily authorizes medical professionals to practice outside their scope of practice, within the limits of their competency, to help bolster the state's healthcare system during the duration of this pandemic.
Ohio	2019	2305.2311	
Oklahoma	Executive Order - 4/20/20 Legislation: 2014	76 O.S. 85.9	Medical Protections: E.O. 2020-13 (3rd Amended) extends civil liability immunity already provided to certain entities under 76 O.S. 85.9 to healthcare providers and healthcare facilities providing care during the COVID-19 health emergency. Statutory exception for gross negligence, or willful or wanton misconduct apply to healthcare providers and facilities.
Pennsylvania	5/6/20	Executive Order	Medical Protections: Designates licensed, certified, registered, or otherwise authorized health care professionals who is engaged in providing COVID-19 care as "agents of the commonwealth" solely for purposes of immunity from civil liability related to the Commonwealth's COVID-19 disaster emergency response. Covers practitioners providing care at any health care facility, nursing facility, personal care home, and assisted living facility, as well as at an alternate care site, community-based testing site, or non-congregate care facility used for the purpose of conducting emergency services, activities or the provision of disaster services activities related to the Commonwealth's COVID-19 disaster emergency response. Does not extend to health care "facilities or entities themselves." Does not extend to "health care professionals rendering non-COVID-19 medical and health treatment or services." Affirms immunity for any person, organization or authority allowing real estate or other premises used for emergency services without compensation for negligently causing death, injury, or loss or damage to the property of any person who is on the premises for the purpose of those emergency services. Does not include acts or omissions that constitute gross negligence or willful misconduct. Effective immediately and remains in effect for the duration of the disaster emergency.
Rhode Island	4/10/20	EO 20-21	Medical Protections: Extends immunity provided to "disaster response workers" under R.I. Gen. Laws § 30-15-15(a) to: Health care facilities, health care professionals and other individuals and organizations assisting in responding to the virus and treating COVID-19 patients, whether delivering services in existing hospitals or surge hospitals, nursing facilities, or alternative nursing care sites. Does not provide immunity for negligence that occurs in the course of providing patient care to patients without COVID-19 whose care has not been altered by the existence of the disaster emergency. Landlord making the surge hospital locations and alternative nursing care sites available to the State, plus their employees, management companies, and contractors providing services to construct, operate or decommission the surge hospital locations. Fast-track law does not limit liability for willful misconduct, gross negligence, or bad faith. Permits health care workers to provide services beyond or without a license as permitted by R.I. Gen. Laws 30-15-15(b).
Tennessee	3/12/20	EO 14	•Declaration of an emergency in response to a catastrophic or major disaster automatically triggers civil immunity for voluntary health care providers, including hospitals and community mental health care centers, that participate in the Emergency Management Assistance Compact or Southern Regional Emergency Management Assistance Compact in providing healthcare to victims of the disaster as long as the services are provided within the limits of the provider's license, certification, or authorization. Tenn. Code Ann. § 58-2-107(i)(1). •If additional medical resources are required, the governor may extend this liability protection to certain other health care providers. •Does not apply to gross negligence or willful misconduct. •The liability protection does not extend for more than 30 days unless extended by the governor for an additional 30 days to ensure the provision of emergency services in response to the catastrophic or major disaster.
Utah	4/22/20	SB 1002	
Vermont	4/12/20	EO 01-20	Medical Protections: Add. 9 to E.O. 01-20 clarifies that under protections afforded by 20 V.S.A. § 20, healthcare facilities, healthcare providers, and healthcare volunteers would be immune from civil liability for any death, injury, or loss resulting from COVID-19-related emergency management services or response activities, except in the case of willful misconduct or gross negligence. The order goes on to define key terms to help clarify the State's interpretation of the scope of the civil liability immunity provided under 20 V.S.A. § 20.