

REFERENCE TITLE: health care institutions; provider; liability

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2476

Introduced by
Representative Montenegro

AN ACT

AMENDING SECTION 12-515, ARIZONA REVISED STATUTES; REPEALING SECTION 12-516, ARIZONA REVISED STATUTES; RELATING TO CIVIL LIABILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 12-515, Arizona Revised Statutes, is amended to read:

12-515. Emergency declaration for a public health pandemic; immunity from liability; burden of proof; presumption; applicability; definition

A. If the governor declares a state of emergency for a public health pandemic pursuant to title 26, chapter 2, a person or provider that acts in good faith to protect a customer, student, tenant, volunteer, ~~patient~~, guest or neighbor or the public from injury from the public health pandemic is not liable for damages in any civil action for any injury, death or loss to person or property that is based on a claim that the person or provider failed to protect the customer, student, tenant, volunteer, ~~patient~~, guest, neighbor or public from the effects of the public health pandemic unless it is proven by clear and convincing evidence that the person or provider failed to act or acted and the failure to act or action was due to that person's or provider's wilful misconduct or gross negligence. A person or provider is presumed to have acted in good faith if the person or provider adopted and implemented reasonable policies related to the public health pandemic.

B. This section applies to all claims that are filed before or after September 29, 2021 for an act or omission by a person or provider that occurred on or after March 11, 2020 and that relates to a public health pandemic that is the subject of the state of emergency declared by the governor.

C. This section does not apply to any claim that is subject to title 23, chapter 6.

D. For the purposes of this section, "provider" means any of the following:

1. A person who furnishes consumer or business goods or services or entertainment.
2. An educational institution or district.
3. A school district or charter school.
4. A property owner, property manager or property lessor or lessee.
5. A nonprofit organization.
6. A religious institution.
7. This state or an agency or instrumentality of this state.
8. A local government or political subdivision of this state, including a department, agency or commission of a local government or political subdivision of this state.
9. A service provider as defined in section 36-551.

~~10. A health professional as defined in section 32-3201, including a person who is supervised by the health professional in the course of providing health care services.~~

~~11. A health care institution as defined in section 36-401.~~

Sec. 2. Repeal

Section 12-516, Arizona Revised Statutes, is repealed.