



549168

LEGISLATIVE ACTION

Senate

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House

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Senator Brandes moved the following:

**Senate Amendment (with title amendment)**

Delete lines 328 - 375

and insert:

(b) Substantial compliance with government-issued health standards specific to infectious diseases in the absence of standards specifically applicable to COVID-19;

(c) Substantial compliance with government-issued health standards relating to COVID-19 or other relevant standards was not possible due to the widespread shortages of necessary supplies, materials, equipment, or personnel;



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12           (d) Substantial compliance with any applicable government-  
13 issued health standards relating to COVID-19 or other relevant  
14 standards if the applicable standards were in conflict; or

15           (e) Substantial compliance with government-issued health  
16 standards relating to COVID-19 or other relevant standards was  
17 not possible because there was insufficient time to implement  
18 the standards.

19           (5) LIMITATIONS PERIOD.—

20           (a) An action for a COVID-19-related claim against a health  
21 care provider which arises out of the transmission, diagnosis,  
22 or treatment of COVID-19 must commence within 1 year after the  
23 later of the date of death due to COVID-19, hospitalization  
24 related to COVID-19, or the first diagnosis of COVID-19 which  
25 forms the basis of the action.

26           (b) An action for a COVID-19-related claim against a health  
27 care provider which does not arise out of the transmission,  
28 diagnosis, or treatment of COVID-19, such as a claim arising out  
29 of a delayed or canceled procedure, must commence within 1 year  
30 after the cause of action accrues.

31           (c) Notwithstanding paragraph (a) or paragraph (b), an  
32 action for a COVID-19-related claim that accrued before the  
33 effective date of this act must commence within 1 year after the  
34 effective date of this act.

35           (6) APPLICATION PERIOD.—This section applies to claims that  
36 have accrued before the effective date of this act and within 1  
37 year after the effective date of this act.

38           (7) INTERACTION WITH OTHER LAWS.—

39           (a) This section does not create a new cause of action but  
40 instead applies in addition to any other applicable provisions



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41 of law, including, but not limited to, chapters 400, 429, 766,  
42 and 768. This section controls over any conflicting provision of  
43 law, but only to the extent of the conflict.

44 (b) This section does not apply to claims governed by  
45 chapter 440.

46 Section 3. If any provision of this act or its application  
47 to any person or circumstance is held invalid, the invalidity  
48 does not affect other provisions or applications of the act  
49 which can be given effect without the invalid provision or  
50 application, and to this end the provisions of this act are  
51 severable.

52 Section 4. This act applies retroactively and  
53 prospectively. However, this act does not apply in a civil

54  
55 ===== T I T L E A M E N D M E N T =====

56 And the title is amended as follows:

57 Delete lines 17 - 20

58 and insert:

59 providing applicability; providing construction;

60 providing severability;