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# OHIO LEGISLATIVE SERVICE COMMISSION

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## Substitute Bill Comparative Synopsis

**Sub. H.B. 606**

**133rd General Assembly**

House Civil Justice

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_133_2690-2)
<b>Qualified immunity for health care providers during disasters and emergencies</b>	
No provision.	Expands the existing qualified civil immunity granted to certain health care providers and emergency medical technicians who provide emergency services during a disaster as follows:
No provision.	<ul style="list-style-type: none"> <li>▪ Applies the immunity to emergencies in addition to disasters.</li> </ul>
No provision.	<ul style="list-style-type: none"> <li>▪ Extends the immunity to professional discipline.</li> </ul>

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No provision.	<ul style="list-style-type: none"> <li>▪ Extends the immunity to health care services, including personal care services (in addition to emergency medical services, first-aid treatment, or other emergency professional care).</li> </ul>
No provision.	<ul style="list-style-type: none"> <li>▪ Grants immunity to the following additional health care providers: licensed practical nurses; athletic trainers; home and community-based service providers; chiropractors; therapy providers (occupational therapists, physical therapists, and speech-language pathologists); and respiratory care professionals.</li> </ul>
No provision.	<ul style="list-style-type: none"> <li>▪ Grants immunity to the following additional health care facilities: adult day care facilities; facilities for individuals with developmental disabilities (including residential facilities and institutions for mental diseases); laboratories; home health agencies; hospice care programs, long-term care facilities; any agent or employee of the facility or laboratory acting in the course of service or employment.</li> </ul>
No provision.	<ul style="list-style-type: none"> <li>▪ In addition to granting immunity for actions and omissions of the health care provider, grants immunity for (1) withholding or withdrawing health care services, (2) decisions to withhold or withdraw those services, and (3) compliance with an executive or director’s order.</li> </ul>
No provision.	<ul style="list-style-type: none"> <li>▪ Grants immunity to a health care provider that is unable to treat, diagnose, or test a person for any illness, disease, or condition, including performing an elective procedure, due to an epidemic, pandemic, or other public health emergency.</li> </ul>

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No provision.	Modifies an exception to immunity for conduct in reckless disregard of the consequences to instead exclude from immunity conduct that constitutes willful or wanton misconduct.
No provision.	Modifies the definition of “tort action” to include claims arising under resident or patient bills of rights and contractual claims.
No provision.	Modifies a current law immunity exception for actions outside the scope of authority of the health care provider to instead exclude actions that are outside of the provider’s skills, education, and training.
No provision.	Removes the current law immunity exception for wrongful death actions.  ( <i>R.C. 2305.2311.</i> )
<b>Civil immunity for transmission of coronavirus infection</b>	
No provision.	Generally precludes bringing a civil action for damages for injury, death, or loss to person or property if the cause of action is based on injury, death, or loss caused by the transmission of a coronavirus infection ( <i>R.C. 3701.26(A)</i> ).
No provision.	Provides that a civil action described above may be brought if it is established by clear and convincing evidence that the infection was transmitted by “reckless” or intentional conduct or with willful or wanton misconduct on the part of the person against whom the action is brought ( <i>R.C. 3701.26(A)</i> ).
No provision.	Defines “reckless conduct” as used above as conduct by which, with heedless indifference to the consequences, the person disregards a substantial and unjustifiable risk that the conduct is likely to cause a

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	transmission of a coronavirus infection or is likely to be of a nature that results in such transmission. A person is reckless with respect to circumstances in relation to a transmission of a coronavirus infection when, with heedless indifference to the consequences, the person disregards a substantial and unjustifiable risk that such circumstances are likely to exist ( <i>R.C. 3701.26(B)</i> ).
No provision.	Specifies that a violation of an order issued by the Director of Health, alone, is not sufficient to prove “reckless conduct” regarding the transmission of a coronavirus infection ( <i>R.C. 3701.26(B)</i> ).
No provision.	Applies these provisions from the date of the state of emergency due to COVID-19, Executive Order 2020-01D, issued on March 9, 2020 ( <i>Section 3</i> ).

#### Civil immunity for provider of essential services

Provides that during the period of emergency declared by the Governor’s Executive Order 2020-01D, issued on March 9, 2020, a person providing services for “essential businesses and operations” is immune from civil liability for injury, death, or loss to person or property caused by the transmission of COVID-19 (*Section 1(B)*).

No provision

Provides that the above immunity does not apply if the person providing services for essential businesses and operations acts manifestly outside the person’s scope of responsibilities, with malicious purpose, in bad faith, or in a wanton or reckless manner (*Section 1(C)*).

No provision.

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Defines “essential businesses and operations” as stated in the Director of Health’s Order that “All Persons Stay at Home Unless Engaged in Essential Work or Activity” issued on March 22, 2020 ( <i>Section 1(A)</i> ).	No provision.
Emergency clause	
Declares the bill takes effect as an emergency measure necessary to address the urgent needs of the state arising from a COVID-19 outbreak ( <i>Section 4</i> ).	Instead, specifies that the necessity is because it is crucial to provide immunity in response to the COVID-19 outbreak ( <i>Section 4</i> ).