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# OHIO LEGISLATIVE SERVICE COMMISSION

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## Synopsis of Senate Committee Amendments

(This synopsis does not address amendments that may have been adopted on the Senate Floor.)

### H.B. 606 of the 133<sup>rd</sup> General Assembly

#### Senate Judiciary

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#### **Qualified civil immunity for health care providers**

Modifies an exception to health care provider immunity from “reckless or intentional conduct or willful or wanton misconduct” to “reckless conduct or intentional misconduct or willful or wanton misconduct.”

#### **Qualified immunity for exposure to or transmission or contraction of certain coronaviruses**

Modifies an exception to the immunity of any person if the cause of action is injury, death, or loss caused by the exposure to, or the transmission or contraction of, MERS-CoV, SARS-CoV, or SARS-CoV-2, from “reckless or intentional conduct or willful or wanton misconduct” to “reckless conduct or intentional misconduct or willful or wanton misconduct.”

#### **Class action prohibition**

Specifies that if the bill’s immunity for health care providers and other persons does not apply, no class action can be brought against a health care provider or other person alleging liability for damages for injury, death, or loss to person or property on the specified cause of action.

#### **State immunity**

Removes provisions of the bill that would have:

- Granted the state immunity from liability in any civil action or proceeding that (1) involves the performance or nonperformance of a governmental function or public duty as a result of a state agency’s response to the COVID-19 pandemic by arranging or providing care, protection, or treatment for any person in the custody of the state or (2) as the result of the performance or nonperformance of a governmental function or public duty, an officer or employee becomes infected with COVID-19.

- Prohibited the state from indemnifying a state employee for any portion of a judgment in either of the above civil actions or proceedings.

### **Political subdivision tort liability**

Removes provisions of the bill that would have expanded the list of functions that constitute the definition of “governmental function” under the Political Subdivision Tort Liability Law to include:

- Compliance with an order resulting from the COVID-19 pandemic issued by the Ohio Health Department, health districts, the state government, a political subdivision, or the Emergency Management Agency;
- Any operation or function to abate the effects of the conditions for which an emergency declaration by the state or a political subdivision, or a public health emergency declaration issued by the federal or state government or county or municipal health department, have been issued;
- The provision or nonprovision of a local government function during an emergency declaration issued by the state government or a political subdivision, or during a public health emergency declaration issued by the federal or state government, a county or municipal health department, or a general health district.

### **COVID-19 as an occupational disease**

Removes provisions that would have created a presumption, for purposes of the Workers’ Compensation Law, specifying that emergency responders, corrections officers, and certain food workers who contract COVID-19 contracted the disease in the course of and arising from their employment and that would have allowed the presumption to be rebutted by affirmative evidence.

### **Severability clause**

Includes a severability clause specifying that if any provision or application of the bill is found invalid, that invalidity does not affect other provisions or application of the bill that can be given effect without the invalid provision.