

HOUSE BILL NO. HB0059

Public health emergencies-immunity amendments 3.

Sponsored by: Joint Travel, Recreation, Wildlife & Cultural
Resources Interim Committee

A BILL

for

1 AN ACT relating to public health and safety; providing
2 legislative findings; amending provisions related to
3 immunity from civil liability for actions and omissions
4 during public health emergencies; specifying applicability;
5 making immunity provisions retroactive as specified; and
6 providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 35-4-114(a) and by creating new
11 subsections (d) and (e) is amended to read:

12

13 **35-4-114. Immunity from liability.**

14

1 (a) During a public health emergency as defined by
2 W.S. 35-4-115(a)(i), any ~~health care provider or other~~
3 ~~person, including a business or~~ entity, ~~who in good faith~~
4 ~~follows the instructions of a state, city, town or county~~
5 ~~health officer or who acts in good faith in responding to~~
6 ~~the public health emergency is~~ shall be immune from any
7 ~~liability arising from complying with those instructions or~~
8 ~~acting in good faith. This immunity shall apply to health~~
9 ~~care providers who are retired, who have an inactive~~
10 ~~license or who are licensed in another state without a~~
11 ~~valid Wyoming license and while performing as a volunteer~~
12 ~~during a declared public health emergency as defined by~~
13 ~~W.S. 35-4-115(a)(i)~~ civil liability for any acts or
14 omissions of the person or entity that caused another to be
15 exposed to or to contract the disease, agent or toxin for
16 which the public health emergency is declared. This
17 immunity shall not apply to acts or omissions constituting
18 gross negligence or willful or wanton misconduct. Any
19 complaint alleging that acts or omissions of a person or
20 entity caused another to be exposed to or to contract the
21 disease, agent or toxin for which a public health emergency
22 is declared shall state with particularity the acts or

1 omissions constituting the basis of the civil action, which
2 shall be proven by clear and convincing evidence.

3
4 (d) The immunity provided in subsection (a) of this
5 section shall only apply to claims alleging that actions or
6 omissions caused exposure to or the contraction of a
7 disease, agent or toxin for which a public health emergency
8 was declared under W.S. 35-4-115(a)(i) and arising from
9 actions or omissions occurring during the declared public
10 health emergency.

11
12 (e) The immunity provided in subsection (a) of this
13 section shall apply to any person or entity whose alleged
14 act or omission was in substantial compliance or was
15 consistent with any federal, state, county or municipal
16 statute, regulation, order, ordinance or public health
17 guidance related to the disease, agent or toxin for which a
18 public health emergency is declared under W.S.
19 35-4-115(a)(i).

20
21 **Section 2.** This act shall apply to all civil actions
22 occurring on and after March 13, 2020 alleging that actions
23 or omissions caused exposure to or the contraction of a

1 disease, agent or toxin for which a public health emergency
2 was declared under W.S. 35-4-115(a)(i) and arising from
3 actions or omissions occurring during the declared public
4 health emergency.

5

6 **Section 3.** This act is effective immediately upon
7 completion of all acts necessary for a bill to become law
8 as provided by Article 4, Section 8 of the Wyoming
9 Constitution.

10

11

(END)