



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 605

PRINTERS NO. 1142

PRIME SPONSOR: Ecker

COST / (SAVINGS)

FUND	FY 2020/21	FY 2021/22
General Fund	\$0	\$0

SUMMARY:

House Bill 605 amends the Judicial Code concerning compulsory arbitration of COVID-19 actions and COVID-19 related liability. It would take effect immediately.

ANALYSIS:

House Bill 605 amends the Judicial Code by adding a new section concerning compulsory arbitration of COVID-19 actions and a new subchapter concerning COVID-19 related liability.

Section 7361.1 – Compulsory arbitration of COVID-19 actions. This new section provides that actions alleging personal injury or death relating to exposure to COVID-19 must first be submitted to and heard by a board of three members of the bar of the court for compulsory arbitration. However, if the plaintiff files a certificate affirming that the personal injury or death resulted from the defendant's failure to comply with public health directives in effect at the time of the alleged misconduct, then the action would proceed directly to the court of common pleas without first undergoing arbitration. These arbitrations must receive a hearing on an expedited basis.

A party to a matter subject to arbitration under this section has a right of appeal from the arbitration decision to the court of common pleas. In the absence of an appeal, the judgment entered on the award of the arbitrators shall be enforced as a final judgment of the court.

The bill also provides that this section will not be construed to create a new cause of action, to expand any form of criminal or civil liability, or to limit a defense already provided to a defendant. The bill further provides that it will not prevent an individual from filing a claim under the Workers' Compensation Act, if otherwise available.

Subchapter F.2 - COVID-19-Related Liability. This new subchapter limits liability for schools and child-care facilities, manufacturers, distributors, labelers and users of personal protective equipment, businesses and local government authorities, and healthcare providers, including practitioners, facilities, emergency medical services providers, nursing care providers, clinical laboratories, and others involved in providing health care services relating to COVID-19. For purposes of this legislation, "schools" includes K-12 and post-secondary institutions, such as

colleges and universities. Notwithstanding any other provision of law, these various businesses, organizations, and institutions will have their general liability limited for damages or personal injury related to actual or alleged exposure to COVID-19, absent a showing, by clear and convincing evidence, of gross negligence, recklessness, willful misconduct or intentional infliction of harm.

FISCAL IMPACT:

Enactment of this legislation will have no adverse impact on Commonwealth funds.

PREPARED BY: Jeff Miller
House Appropriations Committee (R)

DATE: April 6, 2021

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.