



SB 2381 - HB 2623

June 10, 2020

SUMMARY OF ORIGINAL BILL: Extends, from not less than five days to not less than seven days before a hearing, the time the opposing party has to file a response to a petition under the Tennessee Public Participation Act.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (018561): Deletes all language after the enacting clause. Enacts the "Tennessee Recovery and Safe Harbor Act." Provides immunity from civil liability for damages, injury, or death that results from, or in connection with, a health emergency claim unless the claimant proves by clear and convincing evidence of gross negligence or willful misconduct and that the covered entity did not substantially comply with any public health guidance. Specifies that a healthcare provider is not liable for any injury or death alleged to have been caused by an act or omission during the provision of healthcare services or treatment if the act or omission was caused by a lack of resources due to the coronavirus unless the lack of resources resulted from the healthcare provider's gross negligence or willful misconduct. Requires any action alleging a health emergency claim to file a verified complaint and a certificate of good faith with a written statement from an expert. Applies to all causes of action from March 5, 2020 to July 1, 2022. Stipulates a severability clause, should any part of the legislation be held invalid.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Per the language of this legislation, immunity from suit of all governmental entities is removed for injury proximately caused by a negligent act or omission of any employee within the scope of his employment except if the injury arises out of any loss, illness, or injury occurring before July 1, 2022, caused directly or indirectly by the coronavirus, or as a result of action or inaction by any governmental entity or any of the entity's employees, caused by gross negligence or willful and wanton misconduct.
- The first confirmed case of coronavirus in Tennessee was announced by the Department of Health on March 5, 2020.

- It can be reasonably assumed that if any suits have been filed against a governmental entity related to coronavirus, it had not yet gone to trial or been settled.
- Therefore, enactment of this legislation will not result in a significant fiscal impact to state or local government.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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