

## Memo

To: Members, MI House Judiciary Committee  
From: Adam Carlson, Senior Director, Government and Political Affairs  
Date: Sep. 9, 2020  
Re: HB 6159  
Position: Support

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HB 6159 establishes the “Pandemic Health Care Immunity Act,” which would provide limited immunity protections for individuals and entities that provide healthcare in response to a pandemic. At its base, HB 6159 codifies the language found in Governor Whitmer’s Executive Order 2020-61. That executive order was put in place to protect healthcare facilities and employees from liability for actions they took or were unable to take as part of the State’s response to COVID-19.

The immunity provided in HB 6159 is limited, and specifically does not apply for willful misconduct, gross negligence, intentional and willful criminal misconduct, or intentional infliction of harm. The act would only apply to the March 9 to July 15 time frame originally used in Executive Order 2020-61 and would not provide any further protection than the executive order previously provided. If passed, the legislature could return to this statute and modify the time frame to address another surge or a future pandemic.

HB 6159 establishes this immunity in an act that is entirely separate from other statutes regarding declarations of disaster or emergency. Placing this language in a separate statute avoids the legal debate over executive and legislative powers. Healthcare providers in this state are grateful to the Governor for providing that limited immunity and this legislation attempts to codify that wording and duration.

Michigan’s healthcare providers and facilities faced an unprecedented challenge due to the COVID-19 pandemic. Best practices continually changed and difficult decisions were constantly made with no playbook to rely on. Dozens of other states have realized the pressure this placed on providers and have passed statutes similar to HB 6159.

**Brian Peters, Chief Executive Officer**