



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 899 (Substitute S-2 as reported by the Committee of the Whole)
Sponsor: Senator Michael MacDonald
Committee: Committee of the Whole

CONTENT

The bill would amend the Emergency Management Act to do the following:

- Specify that a provision that grants immunity from liability to individuals licensed to practice medicine and hospitals during a state of disaster would apply a health care professional or health care facility, and specify that immunity would be granted for civil or criminal liability for harm or damages sustained in the provision or arrangement of health care services provided during a state of emergency declared under the Act or under Public Act 302 of 1945.
- Specify that the immunity granted would not apply if the act or omission constituted willful or intentional criminal misconduct or constituted intentional infliction of harm by the facility or professional.
- Specify that acts or omissions that resulted in whole or in part from a shortage of personal protective equipment, resources, medical equipment, or staffing would not be considered willful or gross misconduct, willful or intentional criminal misconduct, or an intentional infliction of harm.
- Specify that nothing in the bill would affect the rights conferred on injured employees and employers under the Worker's Disability Compensation Act.
- Specify that the immunity granted to health care professionals and facilities because of the State's response to the Coronavirus disease 2019 (COVID-19) pandemic would apply to any act or omission while providing health care services related to the pandemic during the declared state of emergency or state of disaster, and would begin retroactive to March 10, 2020.
- Specify that the immunity granted under the bill would remain in effect for the duration of the state of emergency or state of disaster, or through September 30, 2020, whichever was later.
- Extend the immunity described above to the individuals and health care providers listed in the bill.

MCL 30.411

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill generally would have a minimal fiscal impact. However, the bill could cause a medium-term marginal reduction in malpractice insurance premiums below what they would be otherwise, which would lead to a slight reduction in expenses for medical practices run by public universities and hospitals owned by local units of government.

Date Completed: 5-7-20

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Bill Analysis @ www.senate.michigan.gov/sfa

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