



Fact Sheet Series for the 133rd General Assembly

Senate Bill 308

Regards Civil Liability for Service Providers in Emergency

Primary Sponsor: Senator Matt Huffman

I. Health Care:

Under Current Law:

- The Ohio Revised Code provides health care providers and emergency medical technicians (EMT) immunity from civil liability for injury, death, or loss to person or property, as a result of a disaster is not liable in a tort action for injury, death, or loss to person or property arising from their act or omission while engaging in emergency medical services, first-aid treatment, or other professional medical care.
- Immunity does not apply in cases where the provider or EMT acted with reckless disregard for the life or health of the patient.

This Bill Would:

- Expands immunity to include actions for wrongful death;
- Expands Covered Providers to Include:
 - Advanced practice nurses, registered nurses, licensed practical nurses
 - Pharmacists
 - Dentists, Optometrists
 - Physicians, Physicians Assistants
 - EMTs, Paramedics
 - Medical technicians and assistants
 - Dental assistants
 - Orderlies and Nursing Aides
 - Hospitals, Home Health Agencies, Hospice Care Programs
 - Facilities that provide health care services or are health care settings, including but not limited to rehabilitation or therapeutic settings, modular field treatment facilities, or alternative care sites designated for temporary use to provide medical services during a disaster or emergency;
- Expands Covered Actions to Include:
 - Withholding or withdrawing health care services, emergency medical services, first-aid treatment, or other emergency professional care;
 - Compliance with an executive order or director's order issued in response to an applicable disaster or emergency;
- Heightens Standard of Care:
 - Under current law, immunity does not apply in cases where the provider acted with reckless disregard. If passed, immunity would apply in cases of reckless disregard, and the actor could only be held liable if they acted willfully or with wanton disregard.¹

¹ "Wanton disregard" is a legal term of art describing the actor's mental state, conveyed by some courts as an actor engaging in conduct they consciously knew would likely result in the injury at issue. "Willful" is a legal term of art most often embodied when an actor engages in conduct with the purpose of achieving the injury at issue.

II. Service Providers

This Bill Would:

- Create immunity from civil liability for “loss to person or property” resulting from or related to the plaintiff’s exposure to “an illness” during a disaster period;
- Protect owners, officers, directors, employees, or agents of entities that provide:
 - Lodging;
 - Sheltering;
 - Groceries;
 - Pharmaceutical Products;
 - Other Products;
 - Retail Merchandise;
 - Manufacturing;
 - Care;
 - Religious or Non-Profit Services;
- This immunity would attach even if the actions were outside the scope of the entity’s normal operations;
- This immunity would cover actions taken during the disaster, and during the period of 180 days immediately following the disaster’s declared end date.

III. Summary

As drafted, this bill creates immunity for nearly every medical action taken during the declared state of disaster. This is intentional, and stated to decrease lawsuits stemming from the ripple effect on care givers across specialties. The bill is drafted so broadly, however, that almost no plaintiff could pursue relief if their harm occurred during the COVID-19 pandemic or for 180 days after its conclusion. This will heavily increase already-existing disparities in health care access, and exacerbate harm to persons with disabilities, those experiencing language barriers, person lacking health insurance, those with unrelated health problems, people of color, the elderly, and others.

Sexual violence survivors will be impacted by this legislation, as survivors may encounter many medical care providers in the aftermath of sexual violence.