

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend the Code of Virginia by adding a section numbered 8.01-225.03, relating to certain
3 hospices, home care organizations, private providers, assisted living facilities, and adult day care
4 centers; immunity from civil liability; COVID-19; emergency.

5 [H 5059]

6 Approved

7 Be it enacted by the General Assembly of Virginia:

8 1. That the Code of Virginia is amended by adding a section numbered 8.01-225.03 as follows:

9 § 8.01-225.03. *Certain immunity for certain hospices, home care organizations, private providers,*
10 *assisted living facilities, and adult day care centers during a disaster under specific circumstances.*

11 A. As used in this section:

12 "Disaster" or "emergency" means a public health emergency related to the COVID-19 virus declared
13 by the Governor pursuant to § 44-146.17 and set forth in Executive Order 51 (2020) on March 12,
14 2020.15 B. In the absence of gross negligence or willful misconduct, any (i) hospice licensed pursuant to
16 § 32.1-162.3, (ii) home care organization licensed pursuant to § 32.1-162.9, (iii) private provider
17 licensed by the Department of Behavioral Health and Developmental Services pursuant to Article 2
18 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2, (iv) assisted living facility licensed pursuant to
19 § 63.2-1701, or (v) adult day care center licensed pursuant to § 63.2-1701 that delivers care to or
20 withholds care from a patient, resident, or person receiving services who is diagnosed as being or is
21 believed to be infected with the COVID-19 virus shall not be liable for any injury or wrongful death of
22 such patient, resident, or person receiving services arising from the delivery or withholding of care
23 when the emergency and subsequent conditions caused by the emergency result in a lack of resources,
24 attributable to the disaster, that render such hospice, home care organization, private provider licensed
25 by the Department of Behavioral Health and Developmental Services, assisted living facility, or adult
26 day care center unable to provide the level or manner of care that otherwise would have been required
27 in the absence of the emergency and that resulted in the injury or wrongful death at issue.28 C. The immunity provided by this section shall be in addition to, and not be in lieu of, any
29 immunities provided in other state or federal law, including §§ 8.01-225 and 44-146.23.30 D. The immunity provided by this section shall only apply to causes of action arising between March
31 12, 2020, and such time as the declaration of a state of emergency related to the COVID-19 virus set
32 forth in Executive Order 51 (2020) is no longer in effect.

33 2. That an emergency exists and this act is in force from its passage.

ENROLLED

HB5059ER