

<p>The Status of Immunity Laws and Executive Orders in the United States. Since the beginning of the COVID-19 Pandemic, the Consumer Voice has been tracking the status of immunity laws and executive orders in the United States. This chart details the status of immunity in each state. For a summary and explanation of this data you may go here. Please go here for important definitions. The data in this chart was last updated on 6/1/2022.</p>													
State	Provided Immunity?	Staff Only?	Executive Order or Legislation?	EO Reference Existing Legislation?	Criminal Immunity?	Assisted Living Included?	Date Signed/ Enacted	Effective Date	Expiration Date	Breadth of Law	Connection to COVID-19	Exceptions	Notes
Alabama	Yes	No	Law	N/A	No	Yes	2/12/2021	3/13/2020	12/31/2021	All harm	In response to COVID-19	Wanton, reckless, willful, or intentional misconduct	
Alaska	Yes	No	Law	N/A	No	Unclear	5/18/2020	3/11/2020	Duration of SOE	All harm	Related to COVID-19/implementing the standing order	Gross negligence, recklessness, or intentional misconduct	
Arizona	Yes	No	Law	N/A	No	Yes	4/5/2021	3/10/2020	Unclear	All harm	In response to COVID-19	Gross negligence or reckless or willful misconduct	Initially through EO 2020-27, which granted broad immunity to healthcare providers during the pandemic. EO202-63 extended to 3/31, when it expired.
Arkansas	Yes*	No	EO	No	No	Unclear	4/13/2020	Unclear	3/31/2021	All harm	In the course of providing COVID-19 related emergency management functions	Willful, reckless, or intentional misconduct	*Arkansas issued an EO on 4/13/20 which expired on 3/31/21 and has not been renewed.
California	No ⁺	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	+ Proposed legislation AB 1313
Colorado	No ⁺	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	+ Proposed legislation HB21-1074
Connecticut	Yes* ⁺	No	EO	No	No	No	4/5/2020	3/10/2020	3/1/2021	All harm	In response to COVID-19	Crime, fraud, malice, gross negligence, willful misconduct	*Connecticut issued an EO on 4/5/20 which expired on 3/1/21 and has not been renewed. + Proposed legislation SB 234
Delaware	No	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Dist. of Columbia	Yes	No	Law	N/A	Yes	Unclear	5/27/2020	5/27/2020	Duration of SOE	Harm from COVID-19 treatment	Care or treatment for potential or diagnosed COVID-19 infection	Fraud, malice, recklessness gross negligence, willful misconduct	Emergency legislation effective only for 90 days; D.C. continued to periodically pass similar legislation granting immunity, most recently on 3/17/21.
Florida	Yes	No	Law	N/A	No	Yes	3/29/2021	Unclear	3/29/2022	All harm	Adheres to appl. gov. issued standards.	Grossly negligent or intentional conduct	
Georgia	Yes	No	Law	N/A	No	Yes	8/5/2020	8/7/2020	7/14/2022	All harm	In response to COVID-19	Gross negligence, willful and wanton misconduct, reckless infliction of harm, or intentional infliction of harm	Legislature passed HB 112, which extended expiration date from 7/14/21 to 7/14/22.
Hawaii	Yes	No	EO	Yes: HRS 127A-9 and 127A-12(a)(5)	No	Yes	4/16/2020	Unclear	Duration of SOE	All harm	In response to COVID-19	Willful misconduct, gross negligence, or recklessness	
Idaho	Yes	No	Law	N/A	No	Yes	8/27/2020	Unclear	7/1/2022	Harm from COVID-19 exposure	Exposure to COVID-19	Intentional tort, or willful/reckless misconduct	Legislature passed HB 149, which extended expiration date from 7/1/21 to 7/1/22.
Illinois	Yes ⁺	No	EO	Yes: Sections 7(1), 7(2), 7(3), 7(12), 15, and 21 of the IEMA Act, 20 ILCS 3305, 745 ILCS 49	No	Yes	5/13/2020	Unclear	No	All harm	In response to COVID-19	Gross negligence or willful misconduct	+ Proposed legislation HB 2571

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Indiana	Yes	No	Law	N/A	No	Unclear	4/29/2021	Unclear	Duration of SOE	All harm	In response to COVID-19	Gross negligence, willful or wanton misconduct, fraud, intentional misrepresentation	
Iowa	Yes	No	Law	N/A	No	Yes	6/18/2020	1/1/2020	No	All harm	In response to COVID-19	Recklessness or willful misconduct	
Kansas	Yes	No	Law	N/A	No	Yes	6/8/2020	3/12/2020	No	All harm	In response to COVID-19	Gross negligence or willful, wanton, or reckless misconduct	Governor signed HB 2126 on 4/9/21, giving adult care homes blanket immunity for all COVID-19 related claims, except in cases of gross negligence or willful, wanton, or reckless conduct. It applies retroactively to 3/12/20 through the duration of the SOE.
Kentucky	Yes	No	Law	N/A	No	Unclear	4/11/2021	3/6/2020	12/31/23	All harm	Arising from COVID-19	Gross negligence, or wanton, willful, malicious, or intentional misconduct	SB 150 provided immunity if a health care provider acted, in good faith, as an ordinary, reasonable, prudent person would under the circumstances when treating a COVID-19 patient.
Louisiana	Yes	No	Law	N/A	No	Yes	6/16/2020	3/11/2020	Duration of SOE	All harm	Actual or alleged exposure to COVID	Gross negligence or reckless or willful misconduct	
Maine	No	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Maryland	Yes ⁺	No	EO	Yes: MD Code, Public Safety, § 14-3A-06	No	Yes	3/18/2021	Unclear	Duration of SOE	All harm	In relation to the emergency (not specifically COVID)	Good faith	+ Proposed legislation SB 210
Massachusetts	Yes	No	Law	N/A	No	Yes	4/17/2020	3/10/2020	Duration of SOE	All harm	During the period of the COVID-19 emergency	Gross negligence, recklessness, or intent to harm	
Michigan	Yes ⁺	No	EO	Yes: MCL 30.403(1)-(2), MCL 30.411(4)	No	Yes	4/1/2020	Unclear	Duration of SOE	All harm	In response to COVID-19	Gross negligence	+ Proposed legislation SF 512. Additionally, HB 6159 provided immunity to health care facilities, but it was in effect from 3/29/20 through 7/14/20.
Minnesota	No ⁺	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	+ Proposed legislation SF 512
Mississippi	Yes	No	Law	N/A	No	Yes	7/2/2020	3/14/2020	One year after end of SOE	All harm	In response to COVID-19	Actual malice or willful or intentional misconduct	
Missouri	No ⁺	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	+ Proposed legislation SB 51
Montana	Yes	No	Law	N/A	No	Unclear	2/10/2021	Unclear	1/1/2031	All harm	In response to COVID-19	Gross negligence, willful and wanton misconduct, or intentional tort	
Nebraska	Yes	No	Law	N/A	No	Yes	5/25/2021	5/25/2021	12/31/22 or one year after end of SOE (whichever is earlier)	All harm	Providing or arranging health care	Gross negligence or willful misconduct	
Nevada	No	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
New Hampshire	No ⁺	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	+ Proposed legislation SB 63

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New Jersey	Yes ⁺	No	Law	N/A	Yes	Yes	4/14/2020	3/9/2020	Duration of SOE	All harm	In support of the State's public health emergency for COVID-19	Crime, actual fraud, actual malice, gross negligence, recklessness, or willful misconduct	On June 4, 2021, NJ passed NJ A5820 which provides that immunity will expire on 9/1/21.
New Mexico	No	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
New York	Yes	No	Law	N/A	Yes	Yes	7/20/2020	3/7/2020	Duration of SOE	All harm	Confirmed or suspected case of COVID-19	Willful or intentional criminal misconduct, gross negligence, reckless misconduct, or intentional infliction of harm	
North Carolina	Yes	No	Law	N/A	No	Yes	7/2/2020	3/10/2020	Duration of SOE	All harm	During the period of COVID-19	Gross negligence, reckless misconduct, or intentional infliction of harm	
North Dakota	Yes	No	Law	N/A	No	Yes	4/23/2021	1/1/2020	7/31/2023	All harm	In response to COVID-19	Willful and wanton misconduct, reckless infliction of harm, or intentional infliction of harm	
Ohio	Yes	No	Law	N/A	No	Unclear	9/14/2020	3/9/2020	9/30/2021	All harm	In response to COVID-19	Intentional misconduct or willful or wanton misconduct, or gross negligence	
Oklahoma	Yes	No	Law	N/A	No	Yes	5/12/2020	5/12/2020	Duration of SOE	Harm from COVID-19 infection	While providing COVID-19 healthcare services	Gross negligence or willful and wanton misconduct	
Oregon	No	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Pennsylvania	Yes	Yes	EO	Yes: 35 Pa. C.S § 7704(a)	No	Yes	5/6/2020	5/6/2020	Duration of SOE	All harm	In response to COVID-19	Willful misconduct or gross negligence	
Puerto Rico	Yes	No	EO	No	No	Unclear	4/22/2020	4/22/2020	Duration of SOE	All Harm	In response to Covid-19	Crime, fraud, gross malice or negligence, intentional acts, or false claim	
Rhode Island	Yes*	No	EO	Yes: R.I. Gen. Laws § 30-15-15(a)	No	Unclear	4/10/2020	4/10/2020	5/31/2021	Harm	COVID-19 infection or care altered by disaster	Willful misconduct, gross negligence, or bad faith	*Rhode Island issued an EO on 4/10/20 which expired on 5/31/21 and has not been renewed.
South Carolina	Yes	No	Law	N/A	No	Unclear	4/28/2021	3/13/2020	6/30/21 or 180 days after SOE (whichever is later)	Harm from COVID-19 exposure or infection	Reasonably adheres to public health guidance	Grossly negligent, reckless, willful, or intentional misconduct or failure to make any attempt to adhere to public guidance	
South Dakota	Yes	No	Law	N/A	No	Yes	2/18/2021	1/1/2020	12/31/2022	All harm	In response to COVID-19	Gross negligence, recklessness, or willful misconduct	
Tennessee	Yes	No	Law	N/A	No	Unclear	8/17/2020	8/3/2020	7/1/2022	All harm	Arising from COVID-19	Gross negligence or willful misconduct	
Texas	No ⁺	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	+ Proposed legislation SB 6

State	Provided Immunity?	Staff Only?	Executive Order or Legislation?	EO Reference Existing Legislation?	Criminal Immunity?	Assisted Living Included?	Date Signed/ Enacted	Effective Date	Expiration Date	Breadth of Law	Connection to COVID-19	Exceptions	Notes
Utah	Yes	No	Law	N/A	No	Yes	4/22/2020	Unclear	Duration of SOE	All harm	In the course of providing healthcare during a declared public emergency	Grossly negligent, intentional or malicious misconduct	
Vermont	Yes*	No	EO	Yes: 20 V.S.A § 20	No	Yes	4/10/2020	Unclear	4/15/2021	All harm	COVID-19 related emergency management services	Willful misconduct or gross negligence	*Vermont issued an EO on 4/10/20 which expired on 4/15/21 and has not been renewed.
Virginia	Yes	No	EO	Yes: 8.01-225.01 and 8.01-225.02 of the Code of Virginia	No	Yes	4/28/2020	Unclear	Duration of SOE	All harm	In response to COVID-19	Gross negligence or willful misconduct	SB 5082 passed on 10/13/20 provided immunity to certain providers, including ALFs. It did not apply to nursing homes.
Washington	No	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
West Virginia	Yes	No	Law	N/A	No	Yes	3/19/2021	1/1/2020	Unclear	All harm	Arising from COVID-19, COVID-19 care, or impacted care	Intentional conduct with actual malice	
Wisconsin	Yes	No	Law	N/A	No	Yes	4/15/2020	4/15/2020	Duration of SOE	All harm	Providing services during the state of emergency	Wanton and reckless conduct	
Wyoming	Yes	Yes	Law	N/A	No	Unclear	5/20/2020	5/20/2020	Unclear	All harm	Acts in good faith responding to the public health emergency	Gross negligence or willful or wanton misconduct	
A * denotes a state that had provided immunity at one time during the pandemic but no longer is.													
A + denotes a state where legislation has been introduced but not passed.													

Definitions

Provided Immunity: This category documents whether the state provided immunity to long-term care facilities or nursing home staff at any time subsequent to the beginning of the pandemic. It does not account for states that immunity laws in existence prior to the beginning of the pandemic, unless they were referenced in an executive order or law passed after the beginning of the pandemic. In some instances, a state had provided immunity but is not now. These states have an * and more details are provided in the notes.

Staff Only: Indicates whether the state provided immunity only to the staff of long-term care facilities and not the owners of the home itself.

Executive Order or Legislation: Indicates whether immunity was provided through an executive order by the state's governor or legislation. Links to the executive orders or laws are provided in the chart.

Existing Legislation: Indicates whether the executive order or law providing immunity referenced a law that existed prior to the COVID-19 pandemic that provided immunity to certain individuals during public health emergencies. Some executive orders sought to provide immunity by incorporating long-term care facilities and workers into these already existent laws. Consumer Voice did not track immunity laws that existed prior to the pandemic, unless they were referenced in an executive order or law passed after the pandemic began.

Criminal Immunity: Indicates whether a state provided some kind of criminal immunity to long-term care facilities or workers.

Assisted Living Included: Indicates whether an executive order or law includes assisted living facilities when providing immunity. In some instances, it was unclear whether assisted living facilities were included.

Date Signed/Enacted: Indicates the date the executive order or law was signed by a governor.

Effective Date: Indicates what date the immunity takes effect.

Expiration Date: Indicates when the immunity provided through executive order or law expires or expired.

Breadth of Law: Indicates what type of harm the executive order or law sought to immunize. Most laws excuse all harm resulting from negligent care provided by the home. These states are indicated with the term "All Harm." Only a few states narrowly tailored their immunity to only cover harm from COVID-19 exposure or infection. These states are indicated by "Harm from COVID-19 exposure or infection."

Connection to COVID-19: Indicates the connection to the COVID-19 pandemic a long-term care facility must show in order to receive immunity for its negligent care that harms residents. Many of the immunity provisions only required that a long-term care facility show that its negligence was the result of its response to the COVID-19 pandemic. Others required that a facility demonstrate it was relying on some kind of public health guidance when it harmed a resident. Some states only required that the harm occur during the COVID-19 pandemic.

Exceptions: All of the executive orders and laws provided exceptions to the immunity provisions where the harm was the result of a facility's gross negligence, willful or reckless conduct, or intentional actions. All these exceptions place a significantly higher evidentiary burden on residents and their families. The definitions of these terms vary from state to state, but generally would require a resident or family member to show that a facility knowingly ignored a significant risk of harm or intended to harm the resident.