

1 tain an accurate and timely effective data base of the official text of  
2 the laws of the state of New York in furtherance of effectuating the  
3 provisions of section 44 of the legislative law and section 70-b of the  
4 public officers law.

5 PART GGG

6 Section 1. The public health law is amended by adding a new article  
7 30-D to read as follows:

8 ARTICLE 30-D

9 EMERGENCY OR DISASTER TREATMENT PROTECTION ACT

10 Section 3080. Declaration of purpose.

11 3081. Definitions.

12 3082. Limitation of liability.

13 § 3080. Declaration of purpose. A public health emergency that occurs  
14 on a statewide basis requires an enormous response from state and federal  
15 and local governments working in concert with private and public  
16 health care providers in the community. The furnishing of treatment of  
17 patients during such a public health emergency is a matter of vital  
18 state concern affecting the public health, safety and welfare of all  
19 citizens. It is the purpose of this article to promote the public  
20 health, safety and welfare of all citizens by broadly protecting the  
21 health care facilities and health care professionals in this state from  
22 liability that may result from treatment of individuals with COVID-19  
23 under conditions resulting from circumstances associated with the public  
24 health emergency.

25 § 3081. Definitions. As used in this article:

26 1. The term "harm" includes physical and nonphysical contact that  
27 results in injury to or death of an individual.

28 2. The term "damages" means economic or non-economic losses for harm  
29 to an individual.

30 3. The term "health care facility" means a hospital, nursing home, or  
31 other facility licensed or authorized to provide health care services  
32 for any individual under article twenty-eight of this chapter, article  
33 sixteen and article thirty-one of the mental hygiene law or under a  
34 COVID-19 emergency rule.

35 4. The term "health care professional" means an individual, whether  
36 acting as an agent, volunteer, contractor, employee, or otherwise, who  
37 is:

38 (a) licensed or otherwise authorized under title eight, article one  
39 hundred thirty-one, one hundred thirty-one-B, one hundred thirty-one-C,  
40 one hundred thirty-seven, one hundred thirty-nine, one hundred forty,  
41 one hundred fifty-three, one hundred fifty-four, one hundred sixty-  
42 three, one hundred sixty-four or one hundred sixty-five of the education  
43 law;

44 (b) a nursing attendant or certified nurse aide, including an individ-  
45 ual who is providing care as part of an approved nursing attendant or  
46 certified nurse aide training program;

47 (c) licensed or certified under article thirty of this chapter to  
48 provide emergency medical services;

49 (d) a home care services worker as defined in section thirty-six  
50 hundred thirteen of this chapter;

51 (e) providing health care services within the scope of authority  
52 permitted by a COVID-19 emergency rule; or

53 (f) a health care facility administrator, executive, supervisor, board  
54 member, trustee or other person responsible for directing, supervising

1 or managing a health care facility and its personnel or other individual  
2 in a comparable role.

3 5. The term "health care services" means services provided by a health  
4 care facility or a health care professional, regardless of the location  
5 where those services are provided, that relate to:

6 (a) the diagnosis, prevention, or treatment of COVID-19;

7 (b) the assessment or care of an individual with a confirmed or  
8 suspected case of COVID-19; or

9 (c) the care of any other individual who presents at a health care  
10 facility or to a health care professional during the period of the  
11 COVID-19 emergency declaration.

12 6. The term "volunteer organization" means any organization, company  
13 or institution that has made its facility or facilities available to  
14 support the state's response and activities under the COVID-19 emergency  
15 declaration and in accordance with any applicable COVID-19 emergency  
16 rule.

17 7. The term "COVID-19 emergency declaration" means the state disaster  
18 emergency declared for the entire state by executive order number two  
19 hundred two and any further amendments or modifications, and as may be  
20 further extended pursuant to section twenty-eight of the executive law.

21 8. The term "COVID-19 emergency rule" means any executive order,  
22 declaration, directive or other state or federal authorization, policy  
23 statement, rule-making, or regulation that waives, suspends, or modifies  
24 otherwise applicable state or federal law regarding scope of practice,  
25 such as modifications authorizing physicians licensed in another state  
26 to practice in the state of New York, or the delivery of care, including  
27 those regarding the facility space in which care is delivered and the  
28 equipment used to deliver care, during the COVID-19 emergency declara-  
29 tion.

30 § 3082. Limitation of liability. 1. Notwithstanding any law to the  
31 contrary, except as provided in subdivision two of this section, any  
32 health care facility or health care professional shall have immunity  
33 from any liability, civil or criminal, for any harm or damages alleged  
34 to have been sustained as a result of an act or omission in the course  
35 of arranging for or providing health care services, if:

36 (a) the health care facility or health care professional is arranging  
37 for or providing health care services pursuant to a COVID-19 emergency  
38 rule or otherwise in accordance with applicable law;

39 (b) the act or omission occurs in the course of arranging for or  
40 providing health care services and the treatment of the individual is  
41 impacted by the health care facility's or health care professional's  
42 decisions or activities in response to or as a result of the COVID-19  
43 outbreak and in support of the state's directives; and

44 (c) the health care facility or health care professional is arranging  
45 for or providing health care services in good faith.

46 2. The immunity provided by subdivision one of this section shall not  
47 apply if the harm or damages were caused by an act or omission consti-  
48 tuting willful or intentional criminal misconduct, gross negligence,  
49 reckless misconduct, or intentional infliction of harm by the health  
50 care facility or health care professional providing health care  
51 services, provided, however, that acts, omissions or decisions resulting  
52 from a resource or staffing shortage shall not be considered to be will-  
53 ful or intentional criminal misconduct, gross negligence, reckless  
54 misconduct, or intentional infliction of harm.

55 3. Notwithstanding any law to the contrary, a volunteer organization  
56 shall have immunity from any liability, civil or criminal, for any harm

1 or damages irrespective of the cause of such harm or damage occurring in  
2 or at its facility or facilities arising from the state's response and  
3 activities under the COVID-19 emergency declaration and in accordance  
4 with any applicable COVID-19 emergency rule, unless it is established  
5 that such harm or damages were caused by the willful or intentional  
6 criminal misconduct, gross negligence, reckless misconduct, or inten-  
7 tional infliction of harm by the volunteer organization.

8 § 2. This act shall take effect immediately and shall be deemed to  
9 have been in full force and effect on or after March 7, 2020 and shall  
10 apply to a claim for harm or damages only if the act or omission that  
11 caused such harm or damage occurred on or after the date of the COVID-19  
12 emergency declaration and on or prior to the expiration date of such  
13 declaration; provided, however, this act shall not apply to any act or  
14 omission after the expiration of the COVID-19 emergency declaration.

15

## PART HHH

16 Section 1. Paragraph (a) of subdivision 1 of section 245.10 of the  
17 criminal procedure law, as added by section 2 of part LLL of chapter 59  
18 of the laws of 2019, is amended to read as follows:

19 (a) ~~[The]~~ Subject to subparagraph (iv) of this paragraph, the prose-  
20 cution shall perform its initial discovery obligations under subdivision  
21 one of section 245.20 of this article as soon as practicable but not  
22 later than ~~[fifteen calendar days after the defendant's arraignment on~~  
23 ~~an indictment, superior court information, prosecutor's information,~~  
24 ~~information, simplified information, misdemeanor complaint or felony~~  
25 ~~complaint]~~ the time periods specified in subparagraphs (i) and (ii) of  
26 this paragraph, as applicable. Portions of materials claimed to be non-  
27 discoverable may be withheld pending a determination and ruling of the  
28 court under section 245.70 of this article; but the defendant shall be  
29 notified in writing that information has not been disclosed under a  
30 particular subdivision of such section, and the discoverable portions of  
31 such materials shall be disclosed to the extent practicable. When the  
32 discoverable materials, including video footage from body-worn cameras,  
33 surveillance cameras, or dashboard cameras, are exceptionally voluminous  
34 or, despite diligent, good faith efforts, are otherwise not in the actu-  
35 al possession of the prosecution, the time period in this paragraph may  
36 be stayed by up to an additional thirty calendar days without need for a  
37 motion pursuant to subdivision two of section 245.70 of this article.

38 (i) When a defendant is in custody during the pendency of the criminal  
39 case, the prosecution shall perform its initial discovery obligations  
40 within twenty calendar days after the defendant's arraignment on an  
41 indictment, superior court information, prosecutor's information, infor-  
42 mation, simplified information, misdemeanor complaint or felony  
43 complaint.

44 (ii) When the defendant is not in custody during the pendency of the  
45 criminal case, the prosecution shall perform its initial discovery obli-  
46 gations within thirty-five calendar days after the defendant's arraig-  
47 ment on an indictment, superior court information, prosecutor's informa-  
48 tion, information, simplified information, misdemeanor complaint or  
49 felony complaint.

50 (iii) Notwithstanding the timelines contained in the opening paragraph  
51 of this paragraph, the prosecutor's discovery obligation under subdivi-  
52 sion one of section 245.20 of this article shall be performed as soon as  
53 practicable, but not later than fifteen days before the trial of a  
54 simplified information charging a traffic infraction under the vehicle