



General Assembly

January Session, 2021

Proposed Bill No. 538

LCO No. 1672



Referred to Committee on JUDICIARY

Introduced by:

SEN. LESSER, 9th Dist.
REP. COOK, 65th Dist.
SEN. WINFIELD, 10th Dist.
SEN. MOORE, 22nd Dist.
SEN. DAUGHERTY ABRAMS, 13th Dist.
SEN. FLEXER, 29th Dist.
REP. PHIPPS, 100th Dist.

SEN. KUSHNER, 24th Dist.
REP. PORTER, 94th Dist.
REP. HORN, 64th Dist.
REP. JOHNSON, 49th Dist.
REP. NAPOLI, 73rd Dist.
REP. TURCO, 27th Dist.
REP. HUGHES, 135th Dist.

AN ACT CONCERNING THE FILING OF CIVIL ACTIONS AGAINST NURSING HOME FACILITIES FOR ALLEGED NEGLIGENCE IN RESPONDING TO THE COVID-19 PANDEMIC.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 That the general statutes be amended to provide that: (1) Any person
2 who has been harmed by the negligent conduct, omissions or
3 professional negligence of a nursing home facility employee, which is
4 attributable to the COVID-19 pandemic or while the facility was acting
5 in support of the state's COVID-19 response on or after January 1, 2020,
6 may bring a civil action against the nursing home facility to recover
7 damages, notwithstanding any provision of the general statutes or any
8 executive order; and (2) in defending an action brought under
9 subdivision (1), a defendant may rely on guidance available at the time

10 of the act from state or federal public health authorities and may raise
11 as a defense the existence of resource constraints related to the
12 pandemic.

Statement of Purpose:

To allow certain victims of negligence that occurred in a nursing home facility, which negligence is related to the operation of the nursing home facility during the COVID-19 pandemic, to bring a civil action against the nursing home facility.