



SPONSOR: Rep. Collins & Sen. Richardson

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 359

AN ACT TO AMEND TITLE 20 OF THE DELAWARE CODE RELATING TO EMERGENCIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 20, Chapter 31 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and renumbering accordingly:

§ 3132 Definitions.

The following terms shall have the indicated meanings when used in this subchapter.

(1) “Bioterrorism” is the intentional use of any microorganism, virus, infectious substance or biological product that may be engineered as a result of biotechnology or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance or biological product to cause death, disease or other biological malfunction in a human, an animal, a plant or another living organism in order to influence the conduct of government or to intimidate or coerce a civilian population.

(2) “Chain of custody” means the methodology of tracking specimens for the purpose of maintaining control and accountability from initial collection to final disposition of the specimens and providing for accountability at each stage of collecting, handling, testing, storing and transporting the specimens and reporting test results.

(3) “Contagious disease” is an infectious disease that can be transmitted from person to person, animal to person, or insect to person.

(4) “Covid-19” means:

i) severe acute respiratory syndrome coronavirus 2; or

ii) the disease caused by severe acute respiratory syndrome coronavirus 2.

(4) “Health care provider” means any person or entity who provides health care services, including, but not limited to, hospitals, medical clinics and offices, special care facilities, medical laboratories, physicians, pharmacists, dentists, physician assistants, nurse practitioners, registered and other nurses, paramedics, emergency medical or laboratory technicians, and ambulance and emergency medical workers.

(5) "Infectious disease" is a disease caused by a living organism or other pathogen, including a fungus, bacillus, parasite, protozoan or virus. An infectious disease may or may not be transmissible from person to person, animal to person, or insect to person.

(6) "Infectious waste" means:

a. "Biological waste," which includes blood and blood products, excretions, exudates, secretions, suctioning and other body fluids, and waste materials saturated with blood or body fluids;

b. "Cultures and stocks," which includes etiologic agents and associated biologicals, including specimen cultures and dishes and devices used to transfer, inoculate and mix cultures, wastes from production of biologicals and serums, and discarded live and attenuated vaccines;

c. "Pathological waste," which includes biopsy materials and all human tissues, anatomical parts that emanate from surgery, obstetrical procedures, autopsy and laboratory procedures, and animal carcasses exposed to pathogens in research and the bedding and other waste from such animals, but does not include teeth or formaldehyde or other preservative agents; and

d. "Sharps," which includes needles, IV tubing with needles attached, scalpel blades, lancets, breakable glass tubes, and syringes that have been removed from their original sterile containers.

(7) "Isolation" is the physical separation and confinement of an individual or group of individuals who are infected or reasonably believed to be infected with a contagious or possibly contagious disease from nonisolated individuals to prevent or limit the transmission of the disease to nonisolated individuals.

(8) "Mental health support personnel" includes, but is not limited to, psychiatrists, psychologists, social workers and volunteer crisis counseling groups.

(9) "Person" means the same as that term is defined in Title 1, § 302(15).

(10) "Premises" means real property and any appurtenant building or structure.

Section 2. Amend Title 20, Chapter 31 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and renumbering accordingly:

§ 3144 Liability.

(a) During a state of emergency, any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons, shall be considered, together with that person's successors in interest, if any, a public employee under §§ 4001-4002 of Title 10.

51 (b) During a state of emergency, any private person, firm or corporation or employee or agent of such person, firm
52 or corporation who renders assistance or advice at the request of the State or its political subdivisions under the provisions
53 of this subchapter shall be considered a public employee under §§ 4001-4002 of Title 10.

54 (c) The immunities provided in this section shall not apply to any private person, firm or corporation or employee
55 or agent of such person, firm or corporation whose act or omission caused, in whole or in part, the emergency and who
56 would otherwise be liable therefor.

57 § 3144A Immunity Related to Covid-19

58 A person is immune from civil liability for damages or injury resulting from exposure of an individual to Covid-19
59 on the premises owned or operated by the person, or during an activity managed by the person. Immunity as described in
60 this section does not apply to:

61 (a) willful misconduct;

62 (b) reckless infliction of harm; or

63 (c) intentional infliction of harm.

64 1. This section does not modify the application of:

65 (a) Title 19, Part II, Worker's Compensation

66 (b) Title 29, Chapter 78, Subchapter VII, Occupational Health Program

67 (c) Title 10, Chapter 40, Governmental Immunity under the Torts Claim Act

68 2. The immunity in this section is in addition to any other immunity protections that may apply in state or
69 federal law.

SYNOPSIS

This Act is intended to make it easier for businesses and homeowner associations to open their doors and their community facilities without fear of facing frivolous negligence lawsuits from customers, patrons or facility users.