

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 51 & 42,
2 Page 1, Section 537.1000, Line 2, by inserting after all of said line the following:

3
4 "(1) "Abuse", the infliction of physical, sexual, or emotional injury or harm, including
5 financial exploitation and bullying by any health care provider;

6 (2) "Bullying", intimidation or harassment that causes a reasonable person to fear for his or
7 her physical safety or property and may consist of physical actions, including gestures,
8 cyberbullying, oral, electronic or written communication, and any threat of retaliation for reporting
9 of such acts;"; and

10
11 Further amend said bill, page, and section, by reordering subdivisions accordingly; and

12
13 Further amend said bill, page, and section, Line 12, by deleting the words "or a virus mutating
14 therefrom"; and

15
16 Further amend said bill and section, Page 2, Line 17, by deleting the word "and"; and

17
18 Further amend said bill, page, and section, Line 22, by inserting after the word "entity;" the
19 following:

20
21 "and

22 (d) That does not include a medical or products liability action;"; and

23
24 Further amend said bill and section, Page 2, Line 27, by deleting the word "and"; and

25
26 Further amend said bill, page, and section, Line 34, by inserting after the word "COVID-19;" the
27 following:

28
29 "and

30 (d) That does not include abuse, bullying, neglect, medical countermeasures, gene therapy,
31 delayed procedures, wrong site procedures, or retained foreign objects;"; and

32
33 Further amend said bill and section, Page 3, Line 62, by deleting all of said line in inserting in lieu
34 thereof the following: "impacted by the use of triage protocols in nonemergency departments"; and

35
36 Further amend said bill and section, Page 4, Lines 85-88 by deleting all of said lines and inserting in

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1 lieu thereof the following: "providing health care services, and any health care system"; and

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3 Further amend said bill, page, and section, Lines 94-98, by deleting all of said lines and inserting in
4 lieu thereof the following:

5
6 "organizations; or

7 (b) Any nonprofit organization, foundation, society, or association organized for religious,
8 charitable, educational, or other purposes"; and

9
10 Further amend said bill, page, and section, Line 102, by inserting after all of said line the following:

11 "(13) "Neglect", the failure to provide services to an eligible person by any health care
12 provider with a legal or contractual duty to do so, when such failure presents either an imminent
13 danger to the health, safety, or welfare of the person or a substantial probability that death or serious
14 physical harm would result"; and

15
16 Further amend said bill, page, section, by reordering subdivisions accordingly; and

17
18 Further amend said bill, Page 5, Section 537.1005, Lines 7-11, by deleting all of said lines and
19 inserting in lieu thereof the following:

20
21 "(1) The individual or entity engaged in conduct that was intended to harm the plaintiff
22 without just cause or demonstrated a deliberate and fragrant disregard for the safety of others;

23 (2) The conduct caused or contributed to cause an exposure to COVID-19; and

24 (3) The plaintiff sustained a personal injury"; and

25
26 Further amend said bill and section, Page 6, Lines 31-32, by deleting the words "recklessness or
27 willful misconduct" and inserting in lieu thereof the words "intentional harm without just cause or
28 deliberate or fragrant disregard for the safety of others"; and

29
30 Further amend said bill, Page 10, Section 537.1035, Line 55, by deleting all of said line and
31 inserting in lieu thereof the following: "of action for a personal injury related to the use of a drug,
32 biological product, vaccine, or medical countermeasure related to COVID-19"; and

33
34 Further amend said bill and section, Page 11, Line 86, by deleting the word "two" and inserting in
35 lieu thereof the word "five"; and

36
37 Further amend said bill and section, Page 12, Line 90, by deleting the words "one year" and
38 inserting in lieu thereof the words "two years"; and

39
40 Further amend said bill, page and section, Line 97, by deleting the word "two" and inserting in lieu
41 thereof the word "five"; and

42
43 Further amend said bill by amending the title, enacting clause, and intersectional references
44 accordingly.