

116TH CONGRESS
2D SESSION

S. 3630

To provide certain limitations on liability for actions taken by health care providers to combat COVID-19.

IN THE SENATE OF THE UNITED STATES

MAY 6, 2020

Mr. SASSE introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide certain limitations on liability for actions taken by health care providers to combat COVID-19.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Facilitating Innovation
5 to Fight Coronavirus Act”.

6 **SEC. 2. LIMITATIONS ON CERTAIN HEALTH PROVIDER LI-**
7 **ABILITY.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of Federal, State, or local law, no health care provider

1 shall be liable in any Federal, State, or local civil pro-
2 ceeding for—

3 (1) using or modifying a medical device for an
4 unapproved use or indication;

5 (2) practicing without a license or outside of an
6 area of specialty if instructed to do so by an indi-
7 vidual with such a license or within such an area of
8 specialty; or

9 (3) conducting the testing of, or the provision
10 of treatment to, a patient outside of the premises of
11 standard health care facilities,

12 where such action was carried out to test, treat, or other-
13 wise counter the effects of the Coronavirus Disease
14 COVID–19 during the duration of the national emergency
15 declared by the President under the National Emergencies
16 Act (50 U.S.C. 1601 et seq.) with respect to that disease.

17 (b) DEFINITION.—In this section, the term “health
18 care provider” has the meaning given such term in section
19 3000(j) of the Public Health Service Act (42 U.S.C.
20 300jj(3)).

21 **SEC. 3. TERM OF CERTAIN PATENTS.**

22 (a) EFFECTIVE DATE.—Notwithstanding any provi-
23 sion of title 35, United States Code, with respect to an
24 eligible patent, the term of the patent shall not begin until
25 the date on which the national emergency declared by the

1 President under the National Emergencies Act (50 U.S.C.
2 1601 et seq.) with respect to that disease terminates.

3 (b) LENGTH OF TERM.—Notwithstanding any provi-
4 sion of title 35, United States Code, with respect to an
5 eligible patent, the term of the patent shall extend for 10
6 years longer than it otherwise would under such title.

7 (c) DEFINITION.—In this section, the term “eligible
8 patent” means a patent issued for a new or existing phar-
9 maceutical, medical device, or other process, machine,
10 manufacture, or composition of matter, or any new and
11 useful improvement thereof used or intended for use in
12 the treatment of the Coronavirus Disease 2019 (COVID-
13 19).

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