

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

Senate Bill 821

BY SENATOR TAKUBO

[Introduced February 17, 2020; referred
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §55-7K-1, §55-7K-2, and §55-7K-3, all relating to providing immunity from civil
 3 liability to facilities and employees providing crisis stabilization and/or drug and alcohol
 4 detoxification services, substance use disorder services, and/or drug overdose services
 5 on a short-term basis.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 7K. IMMUNITY FROM CIVIL LIABILITY FOR CERTAIN GOVERNMENT OR
 BEHAVIORAL HEALTH FACILITIES AND THEIR EMPLOYEES.**

**§55-7K-1. Limiting civil liability for government or behavioral health facilities and their
 employees providing crisis stabilization services and/or alcohol detoxification
 services, substance use disorder services and/or drug overdose services short-
 term basis.**

1 (a) Notwithstanding any other provision of this code to the contrary, no behavioral health
 2 facility certified or licensed in this state, another state, or operated by the state, or one of its
 3 political subdivisions, nor any of its directors, officers, employees, and contractors, shall be liable
 4 for any civil damages as a result of any act or omission arising from or related to providing crisis
 5 stabilization and/or drug and alcohol detoxification services, substance use disorder services,
 6 drug overdose services, and withdrawal services on a short-term basis, so long as the services
 7 are provided in good faith and do not involve the gross negligence or willful or wanton misconduct
 8 of the facility, or its directors, officers, employees, or contractors. The foregoing limitation of civil
 9 liability includes, but be limited to, acts or omissions arising from or related to an individual's
 10 admission to a facility, shelter, unit, or holding facility, the duration of stay, the time or manner of
 11 departure therefrom, or the inability to provide the level of care required by the condition of a
 12 person voluntarily or involuntarily receiving any of the foregoing short-term services.

13 (b) Notwithstanding any other provision of this code to the contrary, no behavioral health

14 facility certified or licensed in this state, another state, or operated by the state, or one of its
 15 political subdivisions, nor any of its directors, officers, employees, and contractors, shall be liable
 16 for any civil damages as a result of any act or omission arising from or related to any services
 17 rendered under §27-5-1 et seq. of this code, so long as the services are provided in good faith
 18 and do not involve the gross negligence or willful or wanton misconduct of the facility, or its
 19 directors, officers, employees, or contractors.

§55-7K-2. Applicability of provisions.

1 The provisions of this article are applicable prospectively to all claims that occur and are
 2 commenced on or after July 1, 2018.

§55-7K-3. Additional provisions.

1 The provisions of this article operate in addition to, and not in derogation of, any of the
 2 provisions contained in §55-7B-1 et seq. of this code.

NOTE: The purpose of this bill is to provide immunity from civil liability to facilities and employees providing crisis stabilization and/or drug and alcohol detoxification services, substance use disorder services, and/or drug overdoses services on a short-term basis.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.