

HOUSE BILL NO. 3011

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - THIRD SPECIAL SESSION

BY REPRESENTATIVES EASTMAN, Kurka

Introduced: 9/14/21

Referred: Health and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the liability of public health officials."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 09.50 is amended by adding a new section to read:

4 **Sec. 09.50.255. Liability of public health officials.** (a) A public health official
5 who is acting within the public health official's scope of employment is personally
6 liable for damages resulting from the negligence, recklessness, or intentional
7 misconduct of the public health official when issuing public health guidance, a
8 recommendation, or a mandate to the state government or the public.

9 (b) A public health official who issues public health guidance, a
10 recommendation, or a mandate or who affirms public health guidance, a
11 recommendation, or a mandate published by another entity without first reaching the
12 public health official's own conclusions and professional opinion regarding the
13 prudence of the guidance, recommendation, or mandate is negligent and subject to
14 civil liability under (a) of this section.

15 (c) In this section, "public health official" means a licensed medical or public

1 health expert employed by the state or a political subdivision of the state.

2 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 **APPLICABILITY:** This Act applies to public health guidance, recommendations, or
5 mandates issued by a public health official on or after the effective date of this Act.