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[S.______]

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

A BILL

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

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

SECTION 1. SHORT TITLE.

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

SEC. 2. LIMITATIONS ON CERTAIN HEALTH PROVIDER LI-
ABILITY.

(a) IN GENERAL.—Notwithstanding any other provi-
sion of Federal, State, or local law, no health care provider
shall be liable in any Federal, State, or local civil proceeding for—

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

(2) practicing without a license or outside of an area of specialty if instructed to do so by an individual with such a license or within such an area of specialty; or

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

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

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

SEC. 3. TERM OF CERTAIN PATENTS.

(a) Effective Date.—Notwithstanding any provision of title 35, United States Code, with respect to an eligible patent, the term of the patent shall not begin until the date on which the national emergency declared by the
President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to that disease terminates.

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

c) DEFINITION.—In this section, the term “eligible patent” means a patent issued for a new or existing pharmaceutical, medical device, or other process, machine, manufacture, or composition of matter, or any new and useful improvement thereof used or intended for use in the treatment of the Coronavirus Disease 2019 (COVID–19).