

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H

1

HOUSE BILL 796

Short Title: The Patients' Restoration of Rights Act. (Public)

Sponsors: Representative A. Jones.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

April 19, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW CLAIMS OF ACTION FOR WRONGFUL DEATH OR INJURY
3 AGAINST A HEALTH CARE PROVIDER ARISING AFTER MARCH 1, 2020, TO BE
4 FILED IF OTHERWISE TIME-BARRED.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 1B of Chapter 90 of the General Statutes is amended by adding
7 a new section to read:

8 "**§ 90-21.19A. Temporary civil action authorization for injury or death in certain**
9 **circumstances.**

10 A patient or personal representative of a patient may bring an action for death or injuries
11 alleged to have resulted from medical malpractice arising out of a health care provider's
12 performance of or failure to perform professional services in a court of competent jurisdiction, if
13 (i) the alleged death or injury arose on or after March 1, 2020, and (ii) the alleged death or injury
14 was not the direct result of the patient contracting COVID-19. For the purposes of this section,
15 the term "COVID-19" means the disease caused by the SARS-CoV-2 virus."

16 **SECTION 2.** Notwithstanding Article 1L of Chapter 90 of the General Statutes or
17 any other provision of law to the contrary, effective from March 1, 2020, until one year after the
18 date this act becomes law, G.S. 90-21.19A, as enacted by Section 1 of this act, revives any civil
19 action for a claim of wrongful death under Chapter 28A of the General Statutes or medical
20 malpractice claim under Article 1B of Chapter 90 of the General Statutes, or any other
21 appropriate civil action brought under the laws of this State, otherwise time-barred under
22 G.S. 1-15 or G.S. 1-17 as it existed immediately before the enactment of this act.

23 **SECTION 3.** G.S. 90-21.19A, as enacted by Section 1 of this act, shall expire one
24 year after this act becomes law.

25 **SECTION 4.** This act is effective when it becomes law and applies to claims that
26 arose on or after March 1, 2020, and one year after this act becomes law.

