

Montana Code Annotated 2025

TITLE 27. CIVIL LIABILITY, REMEDIES, AND LIMITATIONS

CHAPTER 1. AVAILABILITY OF REMEDIES -- LIABILITY

Part 16. Covid-19 Liability

Definitions

27-1-1601. (Temporary) Definitions. As used in this part, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Covid-19" means the novel coronavirus identified as SARS-CoV-2, the disease caused by the novel coronavirus SARS-CoV-2 or a virus mutating from it, and conditions associated with the disease caused by the novel coronavirus SARS-CoV-2 or a virus mutating from it.

(2) "Health care professional" means, for the purposes of this part, physicians, physician assistants, nurse practitioners, nurses, nursing assistants, chiropractors, pharmacists, pharmacy technicians, dentists, dental hygienists, optometrists, medication aides, respiratory therapist practitioners, professional counselors, occupational therapists, midwives, psychologists, and other health care practitioners who are licensed, certified, or otherwise authorized or permitted by the laws of this state to administer health care services in the ordinary course of business or in the practice of a profession, whether paid or unpaid. This term includes persons engaged in telehealth as defined in [33-22-138](#), and a similar professional's employer or agent who provides or arranges health care.

(3) "Health care provider" means and includes, for the purposes of this part, a health care professional, health care facility, home health care facility, assisted living facility, and any other person or facility otherwise authorized or permitted by any federal or state statute, regulation, order, or public health guidance to administer health care services or treatment. The term does not include a government entity or a health care professional that is employed by a government entity.

(4) "Person" means an individual, corporation, nonprofit corporation, estate, trust, partnership, limited liability company, business or similar trust, association, joint venture, place of worship, personal representative, trustee, or any other legal or commercial entity. The term does not include a government entity.

(5) "Personal protective equipment" includes protective clothing, gloves, face shields, goggles, face masks, respirators, gowns, aprons, coveralls, and other equipment designed to protect the wearer from injury or spread of infection or illness.

(6) "Premises" includes any real property and any appurtenant building or structure, as well as any other location, vehicle, or place, serving a commercial, residential, educational, religious, governmental, cultural, charitable, or health care purpose.

(7) "Public health guidance" includes guidance related to covid-19 issued by the following:

- (a) the centers for disease control and prevention of the U.S. department of health and human services;
- (b) the centers for medicare and medicaid services of the U.S. department of health and human services;
- (c) the federal occupational safety and health administration;
- (d) the office of the governor;

(e) a state agency, including the department of public health and human services; or

(f) a local government, including a local government health department or local government board of health.

(8) "Qualified product" means and includes:

(a) personal protective equipment and supplies used to treat covid-19 or to prevent the spread of covid-19;

(b) medical devices, equipment, and supplies used to treat covid-19, including medical devices, equipment, and supplies that are used or modified for an unapproved use to treat covid-19 or to prevent the spread of covid-19;

(c) medical devices, equipment, and supplies used outside of their normal use to treat covid-19 or to prevent the spread of covid-19;

(d) medications used to treat covid-19, including medications prescribed or dispensed for off-label use to attempt to treat covid-19;

(e) tests to diagnose or determine immunity to covid-19; and

(f) a component of an item described in subsections (8)(a) through (8)(e). (*Terminates January 1, 2031--sec. 15, Ch. 2, L. 2021.*)

History: En. Sec. 1, Ch. 2, L. 2021.

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