Qualifying for Immunity Under the U.S. PREP Act During COVID-19

As part of the U.S. government's response to the COVID-19 pandemic, on March 10, 2020, the Secretary of Health and Human Services ("Secretary") issued a Declaration pursuant to the Public Readiness and Emergency Preparedness Act ("PREP Act"), 42 U.S.C. § 247d-6d. This Declaration activated immunity from personal injury, property damage, and other types of claims for companies and certain professionals who manufacture, distribute, or use "covered countermeasures"— certain drugs and devices, or components thereof, that may be used to treat COVID-19 patients or combat the COVID-19 pandemic.[1] The PREP Act provides broad immunity from liability, but applies only to products and persons that qualify for the immunity under the PREP Act and the limits established in the Secretary's Declaration.

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