

FCC Issues Declaratory Ruling Regarding COVID-19-Related Messages

March 23, 2020

VISIT THE CARLTON FIELDS CORONAVIRUS RESOURCE CENTER



On March 20, 2020, the Federal Communications Commission (FCC) issued a [declaratory ruling](#) with respect to the emergency purposes exception of the Telephone Consumer Protection Act (TCPA).

This ruling was issued on the agency’s own motion, without the typical notice and comment procedure that otherwise is part of such FCC rulings. The ruling, which was issued through the Consumer and Governmental Affairs Bureau, takes what can fairly be construed as a narrow view of what is covered by the exemption, stating:

First, the caller must be from a hospital, or be a health care provider, state or local health official, or other government official as well as a person under the express direction of such an organization and acting on its behalf. Second, the content of the call must be solely informational, made necessary because of the COVID-19 outbreak, and directly related to the imminent health or safety risk arising out of the COVID-19 outbreak.

The ruling also gives specific examples of various forms of COVID-19-related messages that *are not* emergency in nature. These include **“advertising a commercial grocery delivery service, or selling or promoting health insurance, cleaning services, or home test kits.”**

If your organization is considering sending bulk text messages or telephone calls related to COVID-19, we strongly urge you to carefully consider the March 20 declaratory ruling.

Authored By



Aaron S. Weiss

Related Practices

[Telephone Consumer Protection Act](#)

©2024 Carlton Fields, P.A. Carlton Fields practices law in California through Carlton Fields, LLP. Carlton Fields publications should not be construed as legal advice on any specific facts or circumstances. The contents are intended for general information and educational purposes only, and should not be relied on as if it were advice about a particular fact situation. The distribution of this publication is not intended to create, and receipt of it does not constitute, an attorney-client relationship with Carlton Fields. This publication may not be quoted or referred to in any other publication or proceeding without the prior written consent of the firm, to be given or withheld at our discretion. To request reprint permission for any of our publications, please use our Contact Us form via the link below. The views set forth herein are the personal views of the author and do not necessarily reflect those of the firm. This site may contain hypertext links to information created and maintained by other entities. Carlton Fields does not control or guarantee the accuracy or completeness of this outside information, nor is the inclusion of a link to be intended as an endorsement of those outside sites.

