<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Has legislation or other action been implemented?</th>
<th>Useful Links</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Yes, legislation is pending (SB 330) that would bar all tort claims (including by employees) for COVID-19 exposure/sickness with exceptions for grossly negligent and intentional conduct, which must be proven by clear and convincing evidence. Non-economic and punitive damages are prohibited unless a &quot;serious physical injury&quot; is proven, while damages for wrongful death limited to punitive damages, only. The bill is in committee pending 3rd reading. The Senate is presently adjourned sine die. An executive order issued 5/8/20 contains substantively similar provisions. Yes, SB 241 was signed into law 5/18/20 and extends various liability protections, including protection for manufacturers of personal protective equipment that is made to be used during the COVID-19 pandemic.</td>
<td><a href="https://legiscan.com/Al/text/SB330/2020">https://legiscan.com/Al/text/SB330/2020</a></td>
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<tr>
<td>Alaska</td>
<td>Yes, legislation is pending (HB2912) that would bar claims for exposure/illness based on negligence, strict liability and premises liability; except for claims for gross negligence proven by clear and convincing evidence. The bill has passed the House and has been transmitted to the Senate, which is presently adjourned sine die.</td>
<td><a href="https://legiscan.com/AK/bill/SB2912/10">https://legiscan.com/AK/bill/SB2912/10</a></td>
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<td>Arizona</td>
<td>Yes, legislation is pending that would bar claims for exposure/illness based on negligence, strict liability and premises liability; except for claims for gross negligence proven by clear and convincing evidence.</td>
<td><a href="https://legiscan.com/AZ/text/HB2912/2020">https://legiscan.com/AZ/text/HB2912/2020</a></td>
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<tr>
<td>Arkansas</td>
<td>No; however, an executive order issued 6/15/20 exempts all persons and entities from tort liability for illness or injury due to exposure to COVID-19, except in cases of willful, reckless or intentional misconduct. The order includes a presumption against willful, reckless or intentional misconduct where a party has substantially complied with state health directives/guidance or acted in good faith while attempting to do so.</td>
<td><a href="https://governor.arkansas.gov/images/uploads/executiveOrders/EO_20-33.pdf">https://governor.arkansas.gov/images/uploads/executiveOrders/EO_20-33.pdf</a></td>
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<td>California</td>
<td>Yes, legislation is pending (AB1248) that would eliminate the &quot;ABC test&quot; for employee versus independent contractor analysis for respiratory therapists &amp; other medical personnel, presumably making it easier to classify an individual as an independent contractor and not an employee. The bill has been returned to the Committee on Labor and Employment, Senate (SB 808), which contains similar provisions, failed passage in committee, but reconsideration has been granted. Newly introduced legislation (AB1759) would provide immunity to institutions of higher learning from claims arising from COVID-19 exposure or injury, as well as claims from economic damages arising from measures taken in response to the pandemic. The legislation contains exemptions for gross negligence, and willful, reckless and intentional conduct, but those exceptions can be rebutted by proof of compliance with identified public guidance. The bill expressly excepts from application employee claims that would otherwise be subject to the workers’ compensation exclusive remedy, but expressly embraces claims by employees arising from activities not within the course and scope of employment. AB1384 would provide similar protections to &quot;local educational agencies&quot;, such as public school districts. AB1035 would provide protections to small businesses (defined as 25 or fewer employees) that adhere to safety and health guidelines, subject to exceptions for grossly negligent, willful or intentional misconduct.</td>
<td><a href="https://legiscan.com/CA/bill/AB1248/2019">https://legiscan.com/CA/bill/AB1248/2019</a> <a href="https://legiscan.com/CA/bill/AB1759/2019">https://legiscan.com/CA/bill/AB1759/2019</a></td>
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<tr>
<td>Colorado</td>
<td>No.</td>
<td>N/A</td>
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<td>Connecticut</td>
<td>No.</td>
<td>N/A</td>
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<tr>
<td>Delaware</td>
<td>Yes, legislation is pending (HB359) that would provide immunity to owners/operators of premises against claims for exposure to COVID-19 while on such premises or while engaged in activities managed by such owner/operator. Exceptions are made for intentional, reckless and willful misconduct. The bill does not apply to claims under DE’s workers’ compensation or occupational health programs.</td>
<td><a href="https://legiscan.com/DE/text/HB359/2019">https://legiscan.com/DE/text/HB359/2019</a></td>
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<td>District of Columbia</td>
<td>No.</td>
<td>N/A</td>
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<tr>
<td>Florida</td>
<td>No.</td>
<td>N/A</td>
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<tr>
<td>Georgia</td>
<td>Yes, the Georgia COVID-19 Pandemic Business Safety Act (SB359) became effective on August 5. The Act provides immunity from COVID-19 related liability to, among others, commercial, non-profit and public entities, and individuals, with exceptions for gross negligence, willful and wanton misconduct, and reckless or intentional infraction of harm. Additionally, the Act provides a rebuttable presumption of assumed risk in the possession of premises owners that provide a statutorily prescribed notice on either a posting or on an application or written purchase of proof for entry.</td>
<td><a href="https://legiscan.com/GA/bill/SB359/19">https://legiscan.com/GA/bill/SB359/19</a></td>
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<td>Hawaii</td>
<td>Yes. H.B. 529, enacted as Chapter 3, Title 5-345, provides immunity for architects, engineers, and contractors for losses (wrongful death, personal injury, property damage, etc.) related to work provided by the professional at the request or approval of a national, state, or local public official in response to a declared national, state, or local emergency, a disaster, or a catastrophic event.</td>
<td>N/A</td>
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<tr>
<td>Idaho</td>
<td>Yes, HB 529, enacted as Chapter 3, Title 5-345, provides immunity for architects, engineers, and contractors for losses (wrongful death, personal injury, property damage, etc.) related to work provided by the professional at the request or approval of a national, state, or local public official in response to a declared national, state, or local emergency, a disaster, or a catastrophic event.</td>
<td><a href="https://legiscan.com/Id/bill/HB529/2020">https://legiscan.com/Id/bill/HB529/2020</a></td>
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<td>Illinois</td>
<td>Yes, SB 3869, the “COVID-19 Immunity Act”, is in committee. The bill would provide that &quot;any individual, business, or unit of local government shall not be liable for any civil damages for any acts or omissions that result in the transmission of COVID-19, other than damages occasioned by willful and wanton misconduct by the individual, business, or local unit of government.&quot;</td>
<td><a href="https://legiscan.com/Ill/bill/SB3869/2019">https://legiscan.com/Ill/bill/SB3869/2019</a></td>
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<tr>
<td>Indiana</td>
<td>No.</td>
<td>N/A</td>
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Yes. SB2338, the "COVID-19 Response and Back-to-Business Limited Liability Act" has passed the House and Senate and was signed by the governor on 6/18/2020. The bill went into effect on 7/1/2020 and will be retroactive to 1/1/2020. It provides that a civil action for exposure to COVID-19 may only be asserted if: (1) the suit relates to a minimum medical condition; (2) the suit involves an act that was intended to cause harm; or (3) the suit involves an act that constitutes actual malice. It further provides that a premises owner (including tenants, lessees, and occupants) cannot be liable for civil damages for any injuries sustained from an individual's exposure to COVID-19 on the premises, or during any activity managed by the person who possess/es in control of the premises, unless the person in control of the premises: (1) recklessly disregards risks to COVID-19 exposure; (2) exposes an individual with actual malice; or (3) intentionally exposes an individual to COVID-19. The bill also limits liability to any person that designs, manufactures, labels, sells, distributes, or donates PPE, unless the person acts with actual malice.

Yes, HB 2016 was approved by the Governor on June 8, 2020. The bill provides immunity from civil liability for COVID-19 claims against any "person, or agent of such person, conducting business" in Kansas if the person "was acting pursuant to and in substantial compliance with public health directives applicable to the activity giving rise to the cause of action when the action accrued." This provision will expire on January 26, 2021.

Yes. SB 150 has been enacted. The new law provides a defense to ordinary negligence and product liability for any business that acted reasonably and in good faith, in making or providing PPE or personal hygiene supplies relative to COVID-19 in response to the state of emergency, and which does not make or provide such products in the normal course of business.

Yes. SB 491 (Act. No. 303) was signed by the Governor on 6/12/2020. The bill provides that any person who, during a state of emergency, renders disaster relief, recovery services, or products outside the typical course and scope of their operations, is immune from liability to the recipient for any injury, death, or property damage resulting therefrom. Exceptions apply for gross negligence and willful misconduct. Additionally, SB 508 (Act. No. 305) was signed by the Governor on 6/12/2020. It provides restaurant owners, operators and employees immunity from civil liability for injury or death due to COVID-19 infection transmitted through food preparation and service during the COVID-19 public health emergency. Exceptions apply for gross negligence and willful or wanton misconduct. HB 826 (Act. No. 306) was signed by the Governor on 6/13/2020, provides immunity for civil damages related to exposure to COVID-19 for state and local government and event planning boards. It also provides that employees whose contraction of COVID-19 are determined to be compensable under the Louisiana Workers' Compensation Law and employees whose contraction of COVID-19 are not covered under the Louisiana Workers' Compensation Law shall have no remedy in tort for the exposure against their employer. HB 59 (Act. No. 9) was signed by the Governor on 7/8/2020 and is retroactive to 3/11/2020. Act No. 9 provides immunity to public and private schools, public and private school districts, and charter school governing boards from claims related to a declared state of emergency or public health emergency for an infectious disease. HB 58 is in committee. This bill would provide immunity for nonprofit organizations and religious institutions from liability for injury or death resulting from or related to actual or alleged exposure to COVID-19, unless the organization was not complying with federal, state, and local guidance, and unless the damages were caused by gross negligence or willful or wanton misconduct of the nonprofit or religious organization.

No. HB 1670 would make it unlawful to file a civil action for damages against any employee organization or union for advising its bargaining unit members of their right to refuse to work because of an abnormally dangerous condition at the place of employment; the bill would also make a construction contractor or sub-contractor immune from suit and civil liability for any damages allegedly related to construction delays caused by COVID-19.

Yes, pending legislation (SB 1024) would make it so that person is not liable for a COVID-19 claim that arises from exposure of an individual to COVID-19 on premises owned, leased, managed, or operated by a person, or during an activity managed by a person, unless it is shown by clear and convincing evidence that the injuries were caused by a reckless disregard of a substantial and unnecessary risk that an individual would be exposed to COVID-19, or the person engaged in a deliberate act intended to cause harm. Additionally, a person that operates in substantial compliance with or reasonably consistent with a federal or state statute or regulation, executive order, or public health guidance that was applicable at the time to the conduct or risk that allegedly caused harm is not liable for a COVID-19 claim or a claim related to conduct intended to reduce transmission of COVID-19.

Yes, pending legislation (SB 4606) would establish that an owner, lessor, lessee, or occupant of commercial, business, industrial, governmental, recreational, or residential premises, who directly or indirectly invites or permits any person onto the premises, owes no duty to: (1) eliminate or reduce the risk related to COVID-19; or (2) warn entrants entering the premises of a risk related to COVID-19. Additionally, an owner, lessor, lessee, or occupant of commercial, business, industrial, governmental, or recreational premises is not liable for injury, damage, death of a person, or economic loss related to COVID-19 unless the owner, lessor, lessee, or occupant: (a) acts in a willful and wanton or reckless manner by disregarding a substantial and unnecessary risk that a person would be exposed to or contract COVID-19; or (b) Intentionally causes the person to be exposed to or contract COVID-19.

The bill does not apply to workers' compensation claims under chapter 176. The MN Senate is currently in recess.
Mississippi

Yes, Act 3049 was signed into law on June 8, 2020. 3049 establishes that an owner, lessee, occupant or any other person in control of a premises, who attempts, in good faith, to follow applicable public health guidance and directly or indirectly invites or permits any person onto a premises shall not be held liable for civil damages for any injuries or death resulting from or related to actual or alleged exposure or potential exposure to COVID-19.

The limitations on liability provided in this section shall not apply where the plaintiff shows, by clear and convincing evidence, that a defendant, or any employee or agent thereof, acted with actual malice or willful, intentional misconduct.

Nothing in this section: (a) creates, recognizes or ratifies a claim or cause of action of any kind; (b) eliminates a required element of any claim; (c) affects workers' compensation law, including the exclusive application of such law; or (d) amends, repeals, alters, or affects any other immunity or limitation of liability.

Missouri

No, but an Act, SB 591, signed into law on July 1, 2020, heightens the burden required for plaintiffs to prove punitive damages.

SB 591 provides that punitive damages will only be awarded if the plaintiff proves by clear and convincing evidence that the defendant intentionally harmed the plaintiff without just cause or acted with a deliberate and flagrant disregard for the safety of others. Additionally, plaintiffs may now only seek punitive damages by submitting a written motion for leave to file a pleading seeking punitive damages and can no longer seek them in an initial pleading. Such motions must be supported by evidence establishing a reasonable basis for recovery of punitive damages. SB 591 also provides that the amount of punitive damages shall not be based, in any amount, on harm to nonparties.

Montana

No.

N/A

Nebraska

No.

N/A

Nevada

No.

N/A

New Hampshire

No.

N/A

New Jersey

Yes, pending legislation (No. 2628) would establish general immunity for business entities, including non-profits, and institutions of higher education, and their officers, employees, agents, and volunteers against actions relating to a person’s exposure to COVID-19 or other diseases caused by the related viral infection in subsequent years. The immunity would be based on good faith compliance with or exceeding all applicable public and personal health and safety measures to prevent or mitigate a person’s exposure to COVID-19 or related viral infection, or disease caused by either one, which measures are based on guidance, regulations, rules, and administrative orders promulgated by federal, State or local departments, divisions, commissions, boards, agencies, or offices, as well as applicable Executive Orders or portions of those orders issued by the Governor. The immunity would bar civil lawsuits, and any administrative proceedings concerning professional disciplinary action, or suspension, revocation, refusal to issue or refusal to renew any license, certification, certificate, or permit, as applicable.

New Mexico

No.


N/A

New York

Yes, legislation is pending (SB 8463) that would bar COVID-19 related employee tort claims and occupational disease claims against businesses that develop and follow a mandatory business safety plan (as outlined in the bill), except for cases of gross negligence.


https://legis.nyc.gov/Bill/H1118/2018

North Carolina

Yes, legislation is pending (SB 704, signed into law on 5/4/20), provides that “essential businesses” (defined in Executive Orders 121 and 141 - and further including any "business that the Department of Revenue determines is essential") and "emergency response entities" (which includes manufacturers of PPE and ventilators, for example) are temporarily immune from civil liability to customers, employees or users for COVID-19 illness claims unless the business was grossly negligent, reckless or intentionally caused the harm. This immunity applies only to claims filed on or after March 27, 2020, and covers acts or omissions on or after March 27, until North Carolina's emergency declaration is rescinded or expires. Also, HB 118, signed into law on 7/2/20, covers businesses, government agencies, and other groups sued by someone who contracts COVID-19. The law shields companies and other entities from lawsuits as long as they don’t act with gross negligence or intentional wrongdoing. The protections do not apply to workers’ compensation claims. Businesses are required to provide "reasonable" notice of actions they have taken to reduce the risk of transmitting the virus on their premises, but they wouldn’t be held accountable if workers or customers fail to comply. The bill applies to claims that arise no later than 180 days after North Carolina’s state of emergency ends.


North Dakota

No.

N/A

Ohio

Yes, legislation is pending (HB 606 - passed House and Senate - and SB 309 - passed Senate) that would bar tort claims brought by individuals who contract or are exposed to COVID-19 against any "person" (which includes an individual, corporation, business trust, estate, trust, partnership, association, school, for-profit, nonprofit, governmental, or religious entity, and state institution of higher education) except where a "person" has acted recklessly, intentionally, or with wanton misconduct.

https://legis.ohio.gov/Bill/HB606/2019-
https://legis.ohio.gov/Bill/SB309/2019

N/A

Oklahoma

Yes, SB 1946, signed into law on 5/21/20, provides broad civil liability protections to any person subject to a tort claim by another person who was exposed to COVID-19, as long as no laws were violated and the person or business followed official safety guidance. SB 1947, also signed into law on 5/21/20, provides immunity from product liability claims against certain persons who manufacture or supply or sell certain products, including but not limited to: PPE or other devices used to treat or prevent the spread of COVID-19; or medications used to treat COVID-19, even if dispensed for off-label use.

https://legis.ok.gov/Bill/SB1946/2020

https://legis.ok.gov/Bill/SB1947/2020

Oregon

No.

N/A