



NOTE: This survey is intended to catalogue statutes, proposed legislation and executive orders directed toward limiting liability for COVID-19 exposure and illness claims. It is not limited to laws expressly or exclusively directed to employees. Other forms of commercial liability, for example, liability to customers and occupants and certain forms of product liability, are also addressed. Finally, in the rare case where a jurisdiction has taken action to expand potential liability, those items have been included. However, two subjects of legislation and executive action have been intentionally excluded from this survey, those being (1) liability shields for healthcare providers and (2) efforts to broaden and/or narrow the scope of compensability for Workers' Compensation purposes. The former are excluded because they broadly address medical malpractice claims (which are not within the scope of the Firm's practice) and because they are common enough that inclusion would add a potentially distracting amount of ancillary content. The latter are excluded because Workers' Compensation is addressed in the Firm's "50-State Workers' Compensation Coverage Survey-COVID-19 Context".

| Jurisdiction | Has legislation or other action been implemented? | Useful Links |
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| Alabama | Yes, SB 30, which is substantially similar to last session's SB 330, was signed by the Governor on 2/12/21. The Act bars all tort claims (including by employees) for COVID-19 exposure/illness with exceptions for wanton, willful, reckless and intentional conduct, which must be proven by clear and convincing evidence. Non-economic and punitive damages are prohibited unless a "serious physical injury" is proven, while damages for wrongful death are limited to punitive damages, only. | https://legiscan.com/AL/bill/SB30/2021 |
| Alaska | Pursuant to HB 4 (filed on 1/8/21), practitioners of licensed occupations and businesses (and their employees) who substantially comply with laws and health mandates for preventing the spread of COVID-19 would be immune from COVID-19 exposure claims, except in cases of gross negligence, recklessness, and intentional misconduct. HB 150, introduced 3/24/21, would provide immunity to virtually all public and private entities from suit for exposure or death, except in cases of gross negligence, recklessness and intentional conduct. | https://legiscan.com/AK/bill/HB4/2021 ; https://legiscan.com/AK/text/HB150/2021 |
| Arizona | No. | N/A |
| Arkansas | Yes. HB 1487 was signed by the Governor on 4/5/21. The Act extends immunity to essentially all persons and entities engaged in for-profit and not-for-profit activities, except in cases of gross negligence, recklessness or intentional misconduct. Further, the statute contains a presumption against such heightened culpability where the person or entity has substantially complied with, or attempted in good faith to comply with, state health and safety guidelines. HB 1487 is substantively similar to the executive order issued 6/15/20. | https://legiscan.com/AR/text/HB1487/2021 |
| California | Yes, AB 1313, introduced 2/19/21, would exempt a business from liability for an injury or illness to a person due to Coronavirus (COVID-19) based on a claim that the person contracted COVID-19 while at that business, or due to the actions of that business, if the business has substantially complied with all applicable state and local health laws, regulations, and protocols. The bill would define a business to include a sole proprietorship, partnership, corporation, association, or other group, including a nonprofit organization, as specified. The bill would not permit this exception to apply if the injury or illness resulted from a grossly negligent act or omission, willful or wanton misconduct, or unlawful discrimination by the business or an employee of the business. AB 247, introduced 1/13/21, would provide similar protections, but would apply only to entities having 100 or fewer employees. | https://legiscan.com/CA/text/AB1313/2021 ; https://legiscan.com/CA/text/AB247/2021 |
| Colorado | No. | N/A |
| Connecticut | Yes, HB 5125 (introduced 1/12/21) would provide immunity from liability for COVID-19 exposure claims to essentially all entities, except in cases of gross negligence or willful misconduct. | https://legiscan.com/CT/bill/HB05125/2021 |
| Delaware | No. | N/A |
| District of Columbia | No. | N/A |
| Florida | Yes. SB 72, approved by the Governor on 3/29/21, provides immunity to essentially all entities that make a good-faith effort to comply with public health mandates and guidelines and require clear and convincing proof of "at least" gross negligence. The Act includes procedural requirements to the benefit of potential defendants that include (1) a requirement that the complaint to be accompanied by a supporting affidavit by a physician; (2) imposition of the burden upon plaintiff to prove non-compliance with public guidance; (3) a requirement that courts decide the issue of compliance with public guidance before hearing the remaining merits; and (4) a one-year statute of limitations. SB 74 (introduced 2/10/21) is substantially similar to SB 72. | https://legiscan.com/FL/bill/S0072/2021 ; https://legiscan.com/FL/bill/S0074/2021 |
| Georgia | Yes, the Georgia COVID-19 Pandemic Business Safety Act (SB359) became effective on August 5, 2020. 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 infliction of harm. Additionally, the Act provides a rebuttable presumption of assumed risk in favor of premises owners who provide a statutorily prescribed notice on either a posting or on an admission ticket or other written proof of purchase for entry. The Act originally applied to claims accruing until 7/14/21. Act 175, which became effective on 5/4/21, extends the law to apply to claims accruing until 7/14/22. | https://legiscan.com/GA/bill/SB359/2019 ; https://legiscan.com/GA/bill/HB112/2021 |
| Hawaii | No. | N/A |
| Idaho | 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. HB 6 was signed by the Governor on August 27, 2020, and adopted as 6-3401 of the Idaho Code. The "Coronavirus Limited Immunity Act" provides that a person is immune from civil liability for damages or injury resulting from exposure of an individual to coronavirus. An act extending the effective period of the Act to July 1, 2022, was signed by the Governor on March 19, 2021. | https://legislature.idaho.gov/statutesrules/idstat/Title5/T5CH3/SECT5-345/ ; https://legiscan.com/ID/bill/H0149/2021 |

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| Illinois | Yes, several bills are pending. (1) HB1830 was introduced on February 16, 2021. The COVID-19 Limited Liability Act provides that a person shall not bring or maintain a civil action alleging exposure or potential exposure to COVID-19 unless: the civil action relates to a minimum medical condition; the civil action involves an act that was intended to cause harm; or the civil action involves an act that constitutes actual malice. The Act would apply retroactively to January 1, 2020; (2) SB 1616 limits exposure claims by establishing a clear and convincing burden of proof regarding specified elements and creates a means of obtaining monetary relief via declaratory judgment in response to meritless exposure claims; (3) SB 1873 provides general immunity from exposure claims, except in cases of reckless, wanton, and intentional misconduct; (4) SB 2209 provides general immunity, except in cases of willful and wanton misconduct; (5) SB 2140 provides general immunity, except in cases of intent to harm or actual malice. | https://legiscan.com/IL/bill/HB1830/2021 ; https://legiscan.com/IL/bill/SB1616/2021 ; https://legiscan.com/IL/bill/SB1873/2021 ; https://legiscan.com/IL/bill/SB2209/2021 ; https://legiscan.com/IL/bill/SB2140/2021 |
| Indiana | Yes. SB 1 was signed into law on 2/18/21. The Act provides civil immunity for damages resulting from exposure of an individual to COVID-19 on the premises owned or operated by a person, on any premises on which the person or employee or agent of the person provided property or services to the individual, or during an activity managed, organized, or sponsored by the person, all retroactively to March 1, 2020. | https://legiscan.com/IN/bill/SB0001/2021 |
| Iowa | Yes. SB2338, the "COVID-19 Response and Back-to-Business Limited Liability Act" was signed by the Governor on 6/18/2020. The bill went into effect on 7/1/2020, retroactive to 1/1/2020, and 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 possesses/is in control of the premises, unless the person in control of the premise: (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 who designs, manufactures, labels, sells, distributes, or donates PPE, unless the person acts with actual malice. | https://legiscan.com/IA/bill/SF2338/2019 |
| Kansas | Yes. HB 2016 was enacted 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." SB 283, approved by the Governor on March 31, 2021, extended the effective period of the law through March 31, 2022. | https://legiscan.com/KS/bill/HB2016/2020/X1 ; https://legiscan.com/KS/bill/SB283/2021 |
| Kentucky | | N/A |
| Louisiana | Yes. SB 508 (Act No. 305) was signed by the Governor on 6/12/20. 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. 336) was signed by the Governor on 6/13/2020, provides immunity from liability for civil damages related to exposure to COVID-19 for state and local government and event planning businesses. It also provides that both 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 by 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. | https://legiscan.com/LA/bill/SB508/2020 ; https://legiscan.com/LA/text/HB826/2020 ; https://legiscan.com/LA/bill/HB59/2020 |
| Maine | HB 1403, introduced April 5, 2021, would provide immunity from COVID-19 exposure claims against any municipality, educational institution or business, except in cases of gross negligence, willfulness, or intentional misconduct. A one-year statute of limitation would apply to such claims. | https://legiscan.com/ME/text/LD1403/2021 |
| Maryland | Yes. SB 210 was introduced on January 13, 2021, and would provide civil immunity from liability for a COVID-19 claim to a person who acts in compliance with certain statutes, rules, regulations, executive orders, and agency orders, unless the person acted with gross negligence or intentional wrongdoing; providing that certain deviations from certain statutes, rules, regulations, executive orders, and agency orders does not deny a person civil immunity provided for under the Act; limiting the effect of the civil immunity provided for under the Act. HB 508 was introduced on January 15, 2021, and would provide civil immunity from liability for a COVID-19 claim to a person who acts in compliance with certain statutes, rules, regulations, executive orders, and agency orders, unless the person acted with gross negligence or intentional wrongdoing; providing that certain deviations from certain statutes, rules, regulations, executive orders, and agency orders does not deny a person civil immunity provided for under the Act; limiting the effect of the civil immunity provided for under the Act. | https://legiscan.com/MD/bill/SB210/2021 ; https://legiscan.com/MD/text/HB508/2021 |
| Massachusetts | No, S2700 died in committee. No new legislation is pending. | https://legiscan.com/MA/bill/S2700/2019 |

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| Michigan | <p>Yes, Michigan Governor Gretchen Whitmer signed into law several bills on October 22, 2020, including those providing a liability shield to individuals and entities that comply with COVID-19-related government directives and offering protections for certain employees who are required to stay off work because they contract, exhibit symptoms of, or are exposed to COVID-19. These include: HB 6030 – titled as the “COVID-19 Response and Reopening Liability Assurance Act” – provides immunity from tort liability from COVID-19 claims to a person (defined broadly to include individuals, businesses, government entities, education institutions, and non-profit organizations) acting in compliance with COVID-19-related laws, rules, regulations, and orders that “had not been denied legal effect at the time of the conduct or risk that allegedly caused harm.” Immunity, however, is not denied because of “an isolated, de minimis deviation from strict compliance” with COVID-19-related government directives. HB 6031 amends the Michigan Occupational Safety and Health Act to provide immunity from liability under this law for an employee’s exposure to COVID-19 to an employer operating in compliance with COVID-19-related laws, rules, regulations and orders that “had not been denied legal effect at the time of the exposure.” Similar to HB 6030, “an isolated, de minimis deviation from strict compliance” does not defeat the employer’s immunity provided by HB 6031. HB 6032 contains the following employee protections: Employees who test positive for COVID-19, display its principal symptoms, or (with exceptions for certain occupations) come in close contact with a confirmed or suspected case of COVID-19 are not to report to work until specific conditions are met (including specified time periods have elapsed). Employers are prohibited from discharging, disciplining, or retaliating against an employee who (1) complies with the requirement of this law to not report to work due to COVID-19, (2) opposes to a violation of HB 6032, or (3) reports health violations related to COVID-19. However, these protections do not apply to an employee who displays the principal symptoms of COVID-19 and fails to make a reasonable effort to schedule a COVID-19 test within 3 days after being asked to get tested by the employer. Employees have a cause of action for violations of the Act with a minimum damage award of \$5,000. HB 6030, HB 6031, and HB 6032 are effective retroactively to March 1, 2020. On October 20, 2020, the Governor also signed into law SB 886, which amends the Michigan Employment Security Act to add several provisions concerning unemployment benefits during the COVID-19 pandemic. Generally, the law extends the maximum period of benefit eligibility in a benefit year from 20 weeks to 26 weeks, relaxes requirement on shared-work plans, increases eligibility for unemployment benefits for individuals leaving work for certain reasons that are related to COVID-19, and relieves employers from being charged for benefits paid through December 31, 2020.</p> | N/A |
| Minnesota | <p>Yes, pending legislation, Bill No. 688 was introduced and referred to the Committee on Judiciary Finance and Civil Law. This bill provides immunity from civil liability for damages resulting from exposure of an individual to COVID-19: (i) on the premises owned or operated by the person; (ii) on any premises on which the person provided property or services to the individual; or (iii) during an activity managed, organized, or sponsored by such person. However, this immunity does not apply to any person whose actions or omissions constitute gross negligence. This section would be effective retroactively for causes of action accruing on or after January 1, 2020.</p> | https://legiscan.com/NH/bill/SB63/2021 |
| Mississippi | <p>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 premise, who attempts, in good faith, to follow applicable public health guidance and directly or indirectly invites or permits any person onto a premise, 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.</p> <p>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.</p> <p>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.</p> | https://legiscan.com/MS/bill/SB3049/2020 |

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| Missouri | <p>Yes, pending legislation SB51 establishes that no individual or entity engaged in businesses, services, activities, or accommodations shall be liable in any COVID-19 exposure action, as defined in the Act, unless the plaintiff can prove by clear and convincing evidence that:</p> <p>(1) The individual or entity engaged in recklessness or willful misconduct that caused an actual exposure to COVID-19; and (2) The actual exposure caused personal injury to the plaintiff.</p> <p>There is a conclusive presumption of an assumption of risk by a plaintiff in an exposure claim when the individual or entity posts and maintains signs, which contain the warning notice specified in the Act, in a clearly visible location at the entrance of the premises. Any adoption or change to a policy, practice, or procedure by an individual to address or mitigate the spread of COVID-19 after the exposure shall not be considered evidence of liability or culpability. Additionally, nothing in this provision shall require an individual or entity to establish a written or published policy addressing the spread of COVID-19.</p> <p>No individual or entity shall be held liable for the acts or omissions of a third party unless the individual or entity has an obligation under general common law principles or the third party was an agent of the individual or entity.</p> <p>This provision shall not be construed as to affect the applicability of the Workers' Compensation Law. A COVID-19 exposure action shall not be commenced in any Missouri court later than one year after the date of the actual, alleged, feared, or potential exposure to COVID-19. Bill was delivered to Governor on May 25, 2021.</p> | https://www.senate.mo.gov/21info/BTS_Web/Bill.aspx?SessionType=R&BillID=54105525 |
| Montana | <p>Yes, SB 65 signed into law in February 2021, establishes that a person who possesses or is in control of a premise, including a tenant, lessee, or occupant of a premise, who directly or indirectly invites or permits an individual onto a premise, is not liable for civil damages for injuries or death sustained from the individual's exposure to COVID-19, whether the exposure occurs on the premises or during an activity managed by the person who possesses or is in control of a premise, unless the civil action involves an act or omission that constitutes gross negligence, willful and wanton misconduct, or intentional tort. It further established the following:</p> <p>(1) In addition to all other defenses, a person may assert as an affirmative defense that the person took reasonable measures consistent with a federal or state statute, regulation, order, or public health guidance related to COVID-19 that was applicable to the person or activity at issue at the time of the alleged injury, death, or property damage. (2) If two or more sources of public health guidance are applicable, a person does not breach a duty of care if the person took reasonable measures consistent with one applicable set of public health guidance. (3) If a person proves the affirmative defense contained in this section, the affirmative defense is a complete bar to any action relating to COVID-19.</p> | https://legiscan.com/MT/text/SB65/id/2287895 |
| Nebraska | <p>Yes, pending legislation ("COVID-19 Liability Protection Act") would establish that no individual or entity engaged in business shall be liable in any COVID-19 exposure accident unless the plaintiff can prove by clear and convincing evidence gross negligence or willful misconduct. Bill delivered to governor on 5/20/2021.</p> | https://legiscan.com/NE/bill/LB139/2021 |
| Nevada | <p>Yes, Nevada passed SB4, providing most businesses with immunity from liability where there is an alleged personal injury or death as a result of COVID-19 exposure, so long as they follow local, state, and federal health standards and the business does not act with gross negligence and such negligence was the proximate cause of the personal injury or death.</p> | https://www.leg.state.nv.us/App/NELIS/REL/32nd2020Special/Bill/7156/Overview |
| New Hampshire | <p>Yes, pending legislation (SB63) would establish, as a matter of law, that no business organization shall be liable for personal injury resulting from or related to an actual or alleged exposure to Coronavirus in the course of such business organization's business activity, or in the course of working for such business organization in any capacity, provided that, in the performance of its business activity at the time of alleged or actual exposure, the business organization was following applicable government standards and guidance related to Coronavirus exposure, unless the person alleging personal injury resulting from or related to the actual or alleged exposure to Coronavirus proves, by clear and convincing evidence, that the injuries were the result of:</p> <p>(a) Gross negligence; (b) Willful misconduct; (c) Intentional criminal misconduct; or (d) Intentional infliction of harm.</p> | https://legiscan.com/NH/bill/SB63/2021 |
| New Jersey | <p>Yes, pending legislation (No. 4377) 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 strain 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, a related viral strain, 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, bureaus, agencies, or officials, 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.</p> | https://www.njleg.state.nj.us/2020/Bills/A4500/4377_11.HTM |

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| New Mexico | Yes, legislation (HB 16) was introduced in June 2020. HB 16 provides that a person who operates a business, facility, or activity that is open to the public shall not be liable for a breach of duty of care when damages or injury are alleged to result from exposure or potential exposure to COVID-19 if the person complies with federal and state laws that provide requirements for mitigation of the spread of COVID-19. No further action has been taken on HB 16 following its introduction in the prior legislative session. | https://legiscan.com/NM/bill/HB16/2020/X1 |
| New York | Yes, legislation (SB 3725) is pending that requires each place of employment to develop a business safety plan to provide reasonable and adequate protection from a pandemic disease for all employees and people who lawfully frequent such places; and further provides that employers who develop and follow safety plans are not liable for damages to employees or patrons due to disease during a pandemic in the absence of gross negligence. | https://legiscan.com/NY/text/S03725/2021 |
| North Carolina | Yes. 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 do not 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 would not 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. | https://www.ncleg.gov/Sessions/2019/Bills/Senate/PDF/S704v6.pdf https://files.nc.gov/governor/documents/files/EO121-Stay-at-Home-Order-text.pdf https://files.nc.gov/governor/documents/files/EO141-Phase-2.pdf https://legiscan.com/NC/bill/H118/2019 |
| North Dakota | Yes. On April 23, 2021, Governor Burgum signed HB 1175, which provides broad liability shield protections for businesses related to COVID-19 contraction claims and manufacturing of PPE in the absence of actual malice or intentional harm or failure to act in substantial compliance with a federal or state statute, regulation, or order related to COVID-19 which was applicable to the person or activity at issue at the time of the alleged exposure or potential exposure. | https://legiscan.com/ND/text/1175/2021 |
| Ohio | Yes, HB 606, signed into law on 9/14/20, bars 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. The protections under the bill will continue through 9/30/21. | https://legiscan.com/OH/bill/HB606/2019 ; https://legiscan.com/OH/bill/SB308/2019 |
| 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://legiscan.com/OK/text/SB1946/2020 https://legiscan.com/OK/text/SB1947/2020 |
| Oregon | Yes. On June 30 2020, Governor Brown signed HB 4212. The bill immunizes certain public entities from civil liability that is predicated on claims from COVID-19. Businesses covered are owners, officers, operators, employees, or agents of an isolation shelter or of a public entity. These entities are immunized from civil liability that is predicated on claims of illness, injury, or death from COVID-19, unless they engage in conduct that "constitutes gross negligence, malice or fraud, that is willful, intentional or reckless, that is criminal, or that is unrelated to COVID-19. | https://legiscan.com/OR/bill/HB4212/2020/X1 |
| Pennsylvania | Yes, legislation (HB 605) is pending that would protect a broad class of businesses against COVID-19 claims absent a showing, by clear and convincing evidence, of gross negligence, recklessness, willful misconduct, or intentional infliction of harm. Good-faith compliance with public health directives would not constitute gross negligence, recklessness, willful misconduct, or intentional infliction of harm. | https://legiscan.com/PA/bill/HB605/2021 |
| Rhode Island | No. | N/A |

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| South Carolina | Yes, on April 28, 2021, Governor McMaster signed SB 147, the "South Carolina COVID-19 Liability Immunity Act," into law. Similar to its previously introduced predecessors, HB 5527 and SB 1259, the Act provides liability protections against Coronavirus-based claims for a limited time period for businesses that follow public health guidance in response to the Coronavirus public health emergency. Specifically, the Act protects a broad class of "covered entities" and "covered individuals" from "coronavirus claims," which include "any claim or cause of action arising from": (a) an actual, alleged, or feared exposure to or contraction of Coronavirus; (i) from the premises of a covered entity; (ii) from the operations, products, or services provided on premises or off-premises for a covered entity; or (iii) from the acts or omissions of a covered individual or covered entity, to include the delay or withholding of medical care for the treatment or diagnosis of the Coronavirus; (b)(i) the prescribing or dispensing of medicines for off-label use to attempt to combat the Coronavirus; (ii) the providing of health care services related to the Coronavirus that are outside of a provider's professional scope of practice; or (iii) the utilizing of equipment or supplies to combat or treat the Coronavirus in a manner outside of the equipment or supplies' normal use in medical practice or in the provision of health care services; or (c) the manufacturing or donating of precautionary equipment or supplies, including personal protective equipment, due to shortages that occurred during the Coronavirus pandemic. To receive immunity under the Act, a covered entity or covered individual must "reasonably adhere[] to public health guidance applicable at the time the conduct giving rise to a coronavirus claim occurs." The Act defines "public health guidance" as "any applicable published guidance, directive, order, or rule provided by the South Carolina Occupational Safety and Health Administration, the South Carolina Department of Health and Environmental Control, or another state governmental entity, and federal guidance if referenced by state entities, that is applicable to the type of covered entity or covered individual at issue and to the coronavirus claim at issue." The immunity defense does not apply to claims arising under Section 3(1)(b), "if a claimant proves by a preponderance of the evidence that the covered entity or covered individual caused the injury or damage by: (a) grossly negligent, reckless, willful, or intentional misconduct; or (b) a failure to make any attempt to adhere to public health guidance." For all other claims, the immunity will not apply "if the claimant proves by clear and convincing evidence that the covered entity or covered individual caused the injury or damage by: (a) grossly negligent, reckless, willful, or intentional misconduct; or (b) a failure to make any attempt to adhere to public health guidance." | https://legiscan.com/SC/text/S0147/2021 |
| South Dakota | Yes, House Bill 1046 was signed by the Governor on February 18, 2021. Under this bill. employees, customers, or others who were exposed to COVID-19 at a particular business or premise are barred from lawsuits, unless the person suing can prove the business owner intentionally exposed them to the virus. | https://legiscan.com/SD/drafts/HB1046/2021 https://sdlegislature.gov/Session/Bill/21916 |
| Tennessee | Yes. On August 17, 2020, Governor Bill Lee signed into law protections for businesses, schools, and nursing homes against Coronavirus lawsuits, called the Tennessee COVID-19 Recovery Act (SB 8002). Under the new law, an individual or legal entity will not be liable for loss, damage, injury or death that arises from COVID-19 unless the claimant proves by clear and convincing evidence that the person who caused the injury by act or omission constituted gross negligence or willful misconduct. Unlike the other proposed Senate bill, this one does not include retroactivity, and will only apply to claims arising after August 3, 2020. | http://www.capitol.tn.gov/Archives/House/111GA/committees/AA/830010/2020/Civil%20Justice%20Subcommittee%2006.08.20.pdf http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=HB2623 https://www.wate.com/news/bill-limiting-coronavirus-liability-advances-in-tennessee/; https://legiscan.com/TN/bill/SB8002/2019 |
| Texas | HB 2782 was introduced on March 3, 2021. The Bill is titled "Relating to businesses' civil liability for COVID-19 exposure." This bill finds that a business entity or person may not be held liable for injury or death caused by exposure to COVID-19 that occurred due to the business' activities or operations unless a claimant proves that the exposure was caused by gross negligence or willful misconduct. HB 4481, introduced March 29, 2021, provides similar protections and creates a rebuttable presumption of reasonable, and therefore not culpable, conduct where an entity complies with CDC recommendations. | https://legiscan.com/TX/text/HB2782/2021 ; https://legiscan.com/TX/bill/HB4481/2021 |
| Utah | Yes, 2020 UT S 30007a was signed into law on May 4, 2020. The law provides immunity from civil liability for damages due to injury resulting from exposure to COVID-19 on a premises owned or operated by a person or entity, or during an activity managed by the person or entity. Exceptions apply to willful misconduct and reckless infliction of harm. The law does not limit administrative liability (e.g., under the Utah Occupational Safety and Health Act) or liability for Workers' Compensation. Additionally, 2020 SB5003 was signed by the Governor on June 25, 2020, which provides immunity from civil liability for damages or injury resulting from exposure of an individual to COVID-19 on the premises owned or operated or managed by a person, which exceptions for willful misconduct, reckless infliction of harm, or intentional infliction of harm. As written, it is not expressly directed to, but may apply to, claims against public employers, but only if not covered by Workers' Compensation, Utah Occupational Disease Act, Utah Occupational Safety and Health Act, or Governmental Immunity Act of Utah. | https://le.utah.gov/~2020S3/bills/static/SB3007.html "> https://le.utah.gov/~2020S3/bills/static/SB3007.html ; https://legiscan.com/UT/text/SB5003/2020/X1 "> https://legiscan.com/UT/text/SB5003/2020/X1 |
| Vermont | No. | N/A |
| Virginia | No. | N/A |
| Washington | No. | N/A |
| West Virginia | Yes. SB 277 was signed by the Governor on 3/19/21. The Act eliminates liability as to all persons, including businesses and manufacturers, for COVID-19 exposure claims. | https://legiscan.com/WV/bill/SB277/2021 |
| Wisconsin | Assembly Bill 1, introduced on January 4, 2021, would provide immunity to most persons and entities from suit for COVID-19 related injury, except in cases of intentional, reckless, or grossly negligent conduct. | https://legiscan.com/WI/bill/AB1/2021 |

Wyoming

Yes, Wyo. Stat. 35-4-114 (SB 1002) became law on May 20, 2020. The law provides immunity from COVID-19 exposure/illness claims to any person or business that acts in good faith and follows state, city, town or county health officer safety instructions for the duration of the public health emergency. Exceptions apply for gross negligence and willful or wanton misconduct. More recently, SB 19 was signed into law on April 6, 2021, and creates a rebuttable presumption in any COVID-19 injury claim that the plaintiff assumed the risk of contracting COVID-19 related illness by entering onto the defendant's premises.

<https://legiscan.com/WY/bill/SF1002/2020/X1>"><https://legiscan.com/WY/bill/SF1002/2020/X1>
<https://drive.google.com/file/d/13LHrJ6UXw7IN2zw3pnDPEb1IsiK8s4Aa/view>
<https://wyoleg.gov/InterimCommittee/2020/01-202006044-02BillLanguage-0603202014765079v3.pdf>
https://www.wyomingnews.com/coronavirus/committee-votes-to-draft-bill-to-shield-businesses-from-covid-19-lawsuits/article_1db573a4-04ea-55d8-a58e-44b52aec45da.html; <https://legiscan.com/WY/bill/SF0019/2021>