

COVID-19 Civil Liability Immunity - State Activity 2021*

Updated as of 10/1/2021

State	Action/Proposal	Link to Bill/Order	Status of Legislation/EO
ALABAMA ENACTED	<p>SB 30 would provide civil immunity for business entities, health care providers, educational entities, churches, governmental entities, and cultural institutions operating in Alabama, as well as individuals associated with these entities, from certain damages claimed by individuals who allege that they contracted or were exposed to Coronavirus, during a declared state of emergency. This bill would also provide immunity for certain health care providers during the performance or provision of health care services or treatment that resulted from, was negatively affected by, or was done in support of or in response to the Coronavirus pandemic or the state's response to the pandemic.</p>	SB 30	<p>02/12/21 ENACTED</p>
ALASKA	<p>Addresses COVID-19 liability exposure that has adversely impacted the business community.</p> <p>A person who engages in business and an employee of that person when working in the business are immune from civil liability for sickness, death, economic loss, and other damages suffered by a customer from exposure to novel coronavirus disease (COVID-19) while patronizing the business.</p> <p>(b) To qualify for immunity under this section, the person engaging in business must have been operating the business in substantial compliance with the applicable federal, state, and municipal laws and health mandates in effect at the time of the customer's exposure to COVID-19.</p> <p>(c) Immunity under this section does not apply to exposure to</p>	HB 4	<p>6/3/21 Pending Carry-Over.</p> <p>2/18/21 Referred to House Committee on Labor & Commerce and House Judiciary Committee.</p> <p>1/19/21 Introduced.</p>

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	<p>COVID-19 resulting from the gross negligence, recklessness, or intentional misconduct of a person engaging in business or an employee of that person.</p> <p>(d) Immunity under this section is in addition to any other immunity from liability provided under state or federal law.</p>		
ALASKA	<p>SB 65 relates to the elements of a claim for medical malpractice; and relating to the definition of a health care provider-patient relationship in a malpractice action based on the negligence or wilful misconduct of a health care provider, the plaintiff has the burden of proving by a preponderance of the evidence.</p>	SB 65	<p>5/28/21 Sent to Governor.</p> <p>5/19/21 Senate concurred House Amendments (20-0).</p> <p>5/18/21 Judiciary Substitute adopted on House Floor. Passed House to Senate for Concurrence.</p>
ALASKA ENACTED	<p>HB 76 – Section 13 grants civil liability; immunity from liability and disciplinary action for occupational licensees for exposure of clients to COVID-19; immunity from liability for persons engaging in business and their employees for exposure of customers to COVID-19.</p>	HB 76	<p>4/30/21 ENACTED. Signed by Governor Dunleavy. Chapter No. 2021-2.</p>
ALASKA	<p>HB 150 would provide immunity from civil liability for sickness, death, economic loss, and other damages resulting from exposure of a person to COVID 19 for businesses, schools, universities, churches municipalities, state government for exposure to COVID-19.</p>	HB 150	<p>6/3/21 Pending Carry-Over.</p> <p>3/24/2021 Introduced. To House Committee on State Affairs and additionally referred to House Committee on Judiciary.</p>
ARIZONA ENACTED	<p>SB 1377 would provide civil immunity for business entities, health care providers, educational entities, religious institutions, governmental entities, and nonprofit institutions operating in Arizona, as well as individuals associated with these entities, from certain damages claimed by individuals who allege that they contracted or were exposed to Coronavirus.</p>	SB 1377	<p>1/25/2021 Introduced</p> <p>1/26/2021 to Senate Judiciary</p> <p>2/11/2021- Passed out of Senate Judiciary</p> <p>2/24/2021- Passed Senate 18-12.</p> <p>3/17/2021- Passed out of House Judiciary.</p> <p>4/5/2021- ENACTED</p>
ARKANSAS FAILED	<p>SB 13 health care liability limitation bill for COVID-19.</p>	SB 13	<p>4/5/21 FAILED. Withdrawn by Author.</p>

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ARKANSAS FAILED	SB 17 would limit liability for various businesses related to COVID-19.	SB 17	4/5/21 FAILED . Withdrawn by Author.
ARKANSAS ENACTED	An emergency measure to provide civil liability immunity for businesses related to COVID-19.	HB 1487	4/5/2021 ENACTED
CONNECTICUT FAILED	HB 5125, would grant civil liability immunity relate to COVID-19 to certain business, non-profits, and schools.	HB 5125	4/9/21 FAILED .
CONNECTICUT FAILED	HB5672 would grant civil immunity to nursing homes and other health care providers for COVID-19 related claims.	HB 5672	4/1/21 FAILED . 1/27/2021 Referred to Joint Committee on Human Services
CONNECTICUT FAILED	SB 234 would grant civil liability immunity to health care providers for COVID-19 related claims.	SB 234	4/7/21 FAILED .
CONNECTICUT FAILED	SB 538 allows certain victims of negligence that occurred in a nursing home facility, which negligence is related to the operation of the nursing home facility during the COVID-19 pandemic, to bring a civil action against the nursing home facility.	SB 538	4/9/21 FAILED .
DISTRICT OF COLUMBIA ENACTED now EXPIRED	Provides liability protections for health care providers, first responders and volunteers who render care or treatment, or arrange for treatment, for a potential or diagnosed COVID patient. Donors of time, professional services, equipment, or supplies to persons or entities providing COVID treatment are also provided with liability protection. Excludes actual fraud, actual malice, recklessness, breach of contract, gross negligence or willfull misconduct. Limited exposure protections for District government contractors and subcontractors providing health care services or human care services.	B23-0758 /Act A23-0334	5/21/21 L23-0130 EXPIRED . 10/9/20 ENACTED
FLORIDA FAILED	Liability legislation related to claims against healthcare providers was introduced.	SB 74 / HB 7005 (Companion)	4/30/21 FAILED .

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FLORIDA ENACTED	HB 7 and SB 72 which would provide requirements which need to be met to prove civil liability for COVID-19 claims were introduced. The bills largely mirror each other, except that the House bill (summary here) does not currently protect health care facilities, providers, nursing homes, and the like. They plan to “study” that issue in more detail.	HB 7/SB 72 (Identical bills) (Summary here)	3/29/21 SB 72 ENACTED . See Legislative Staff Analysis .
FLORIDA ENACTED	HB 1261 would grant civil immunity to educational entities for reasonably necessary actions taken in compliance with government COVID-19 guidance.	HB 1261	6/29/21 ENACTED
GEORGIA ENACTED	HB 112 amends the civil immunity Act approved August 5, 2020, (Ga L. 2020, p. 798), to extend applicability for one year to apply to causes of action accruing until July 14, 2022.	HB 112	ENACTED 05/04/2021
GEORGIA Dead for 2021	HB 592 would amend current law relating to COVID-19 pandemic business safety to clarify the gross negligence standard in actions involving COVID-19 liability claims against healthcare facilities, healthcare providers, entities, and individuals.	HB 592	FAILED to meet crossover date for 2021 – dead for 2021 but can be considered in 2022
GUAM	Liability protection for public and private employers during a state of public health emergency.	B 54	2/4/21 Introduced. To Committee on Health, Land, Justice and Culture
HAWAII	HB 540 is important to health care providers and med-mal insurers. The legislation makes immune from civil or criminal liability a health care provider who acts in good faith during a state of emergency or local state of emergency and adheres to crisis standards of care.	HB 540	6/3/21 Pending Carry-Over. 2/19/21 House Draft 2 has passed, as amended, out of the House Committee on Judiciary and Hawaiian Affairs. The bill is now with the House Committee on Finance for consideration.
HAWAII FAILED	A House Resolution with the Senate concurring, requesting that the Legislative Reference Bureau conduct a study on business liability protections related to COVID-19 related claims. The study, including findings, recommendations, and any proposed legislation, is to be submitted to the Legislature no later than twenty days prior to the convening of the Regular Session of	HCR 71 /HR 60 (Companion)	5/14/21 FAILED . 3/23/21 Report adopted. Referred to the committee(s) on Judiciary and Hawaiian Affairs as amended in HD 1.

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	2022.		
HAWAII	During the pendency of the Emergency Proclamation, health care facilities, health care professionals, healthcare volunteers, that in good faith comply completely with all state and federal orders regarding this emergency, shall be immune from civil liability for any death or injury to persons, or property damage alleged to have been caused by any act or omission, which death of or injury to persons, or property damage occurred as a result of the rendering assistance in support of the State's response to the COVID-19 emergency, unless it is established that such death or injury to persons, or property damage was caused by willful misconduct, gross negligence.	Executive Order No: 21-06	Sept 1 – EO No: 21-06 issued by Governor Ige.
IDAHO ENACTED	HB 149 would extend the immunity granted in HB 6 , enacted last August, to July 1, 2022, for individual, corporation, limited liability company, partnership, trust, association, church or religious organization, city, county, school district, college, university or other institution of higher education, or other unit of local government.	HB 149	3/19/21 ENACTED .
INDIANA ENACTED	SB 1 provides civil tort immunity for damages arising from COVID-19 on the premises owned or operated by a person, on any premises on which the person or an employee or agent of the person provided property or services to the individual, or during an activity managed, organized, or sponsored by the person, except for an act or omission that constitutes gross negligence or willful or wanton misconduct (including fraud and intentionally tortious acts). The legislation defines "COVID-19 protective product" and provides civil tort immunity for harm that results from the design, manufacture, labeling, sale, distribution, or donation of a COVID-19 protective product, except for an act or omission that constitutes gross	SB 1	ENACTED on Feb 18, 2021. Retroactive to March of 2020.

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	negligence or willful or wanton misconduct (including fraud and intentionally tortious acts). Senate Bill 1 also prohibits class action suits.		
INDIANA ENACTED	HB 1002 is a comprehensive COVID-19 civil liability immunity bill mainly addressing health care liability during certain time periods.	HB 1002	4/29/21 ENACTED . Signed by Governor Holcomb
INDIANA Dead for 2021	HB 1258 is a COVID-19 civil liability immunity bill that is more limited than HB 1002. Sponsor is more sympathetic to the plaintiff's bar.	HB 1258	Died due to not moving by a legislative deadline.
KANSAS	HB 2024 which would grant civil immunity from COVID-19 related claims to adult care homes.	HB 2024	6/3/21 Pending Carry-Over. 01/12/2021 Introduced. Referred to House Judiciary Committee.
KANSAS	HB 2048 extends State of Emergency through March 5, 2021 and would grant civil immunity from COVID-19 related claims for health care professionals and businesses (Section 11) through December 31, 2021.	HB 2048 as amended by House Committee Supplemental Note on HB 2048	6/3/21 Pending Carry-Over. 1/19/21 Committee Report recommending bill be passed as amended by Committee on Judiciary.
KANSAS ENACTED	Providing protection from civil liability for COVID-19 claims for covered facilities (including adult care, community mental health, community service provider) if they were in substantial compliance with public health guidance. Excludes gross negligence and willfull, wanton or reckless misconduct. Applies retroactively to any cause of action accruing on or after March 12, 2020, and prior to termination of the state of disaster emergency related to the COVID-19 public health emergency declared pursuant to K.S.A. 48-924 and amendments thereto.	HB 2126 Summary of Legislation	4/9/21 ENACTED . Signed by Governor Laura Kelly. Chapter No. 35.
KANSAS ENACTED	Extending certain provisions of the governmental response to the COVID-19 pandemic in Kansas, including extending COVID claims liability protection for businesses until March 31, 2021.	SB 14	1/25/2021 ENACTED . Signed by Governor Kelly
KANSAS ENACTED	Changing the business liability provision in the COVID-19 response and re-opening for business liability protection act to apply to actions	SB 283	3/31/21 ENACTED . Signed by Governor Laura Kelly. 3/19/21 Passed House Judiciary

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	accruing on or after March 12, 2020, and prior to March 31, 2022.		Committee as Amended .
KENTUCKY FAILED	HB 10 provides a defense to civil liability to a person who acts in good faith while operating a business during a state of emergency for ordinary negligence for a personal injury resulting from alleged or actual exposure to COVID-19 provided the person acts as an ordinary, reasonable, and prudent person would act under similar circumstances.	HB 10	FAILED
KENTUCKY ENACTED	SB 5 provides limited civil liability protection for owners of premises who follow any executive action to prevent the spread of COVID-19 during the COVID-19 declared emergency and either directly or indirectly invites or permits another person to enter the owner's premises while a COVID-19 declared emergency affects the premises. SB 5 also provides limited civil liability protection for any essential service provider, as broadly defined in the bill, during the declared emergency of the COVID-19 pandemic. SB 5 is retroactive and effective as of March 6, 2020	SB 5	ENACTED 4/11/2021
LOUISIANA VETOED	HB 103 grants persons and businesses involved in the COVID-19 vaccination process civil liability immunity.	HB 103	7/1/21 VETOED by Governor. 6/11/21 Sent to Governor.
MARYLAND FAILED	SB 210 provides immunity from civil 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; retroactive applicability from March 5, 2020 until 180 days after expiration of state of emergency.	SB 210	Introduced 1/13/2021; sent to Judicial Proceedings Committee

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<p>MARYLAND</p> <p>FAILED</p>	<p>Crossfiled with SB 210.</p> <p>HB 508 provides immunity from civil 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; retroactive applicability from March 5, 2020 until 180 days after expiration of state of emergency.</p>	<p>HB 508</p>	<p>Introduced 1/15/2021; referred to House Judiciary where hearing was scheduled 2/3/21</p>
<p>MARYLAND</p> <p>FAILED</p>	<p>HB 1106 provides that an owner, lessee, or tenant of a premises is immune from civil liability for injury or death relating to the exposure of others on the premises to COVID-19 so long as the owner, lessee, or tenant, or an agent of the owner, lessee, or tenant, was following and enforcing local, State, and federal guidelines in effect at the time of the exposure or alleged exposure; retroactive to March 5, 2020.</p>	<p>HB 1106</p>	<p>Introduced on 2/5/2021; referred to Judiciary, hearing scheduled 3/3/2021</p>
<p>MARYLAND</p> <p>FAILED</p>	<p>HB 1102 provides that a certain personal liability clause in a commercial lease or associated document (requiring an individual who is not a commercial tenant under the commercial lease to become personally liable for fees or charges owed by the commercial tenant in the event of a default) is unenforceable if a commercial tenant had to close or cease operation due to COVID-19 proclamations between March 23, 2020, and September 30, 2020.</p>	<p>HB 1102</p>	<p>Referred to Judiciary, hearing scheduled 2/17/2021</p>
<p>MARYLAND</p> <p>VETOED</p>	<p>HB 719 grants liability protections to commercial tenants for COVID-19 related issues.</p> <p>Not broad civil immunity but rather protects tenant from becoming personally liable to commercial landlord in event of default.</p>	<p>HB 719</p>	<p>5/28/21 VETOED by Governor. Sent to governor 4/12/2021</p>
<p>MASSACHUSETTS</p>	<p>Provides immunity from suit and liability for damages alleged to have arisen from exposure to COVID-19 to businesses providing essential</p>	<p>HB 1514</p>	<p>1/29/2021 H - Filed in the House</p>

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	services pursuant to Governor's COVID-19 emergency orders so long as the services were provided in good faith; provides that immunity does not apply to acts or omissions constituting gross negligence, intent to harm or discrimination on the basis of race or other protected categories.		
MASSACHUSETTS	Provide legal protection from suit to volunteer nurses in a natural disaster or declared emergency. In particular, such a nurse will not be subject to licensure board discipline under or to civil or criminal liability or prosecution for any injury or harm that results from any act or omission that does not amount to criminal negligence; authorizes compensation for nurse volunteers who sustain an injury while volunteering during a declared emergency.	SB 1521	1/28/2021 S - Filed in the Senate
MINNESOTA	S.F. 745 is legislation that addresses liability issues related to the pandemic with respect to products liability / ppe and exposure / premises claims.	SF 745	Amended and passed out of the Senate Civil Law and Data Practices Policy Committee on March 15, 2021.
MINNESOTA	HF 688 is legislation that addresses liability issues related to the pandemic with respect premises claims.	HF 688	Introduced and referred to the House Judiciary Finance and Civil Law Committee on February 4, 2021.
MISSOURI	SB 42 is a comprehensive COVID-19 civil liability immunity bill. This bill is the preferred bill of Governor Parson. This bill modifies provisions relating to liability for civil damages resulting from the state of emergency due to COVID-19. These provisions shall apply to all civil actions filed on or after the effective date of this act, and shall apply to all claims based on acts or omissions occurring during an emergency due to COVID-19.	SB 42	Tabled and combined with SB 51 on January 25, 2021.
MISSOURI ENACTED	SB 51 is a comprehensive COVID-19 civil liability immunity bill. It would revise the law to provide immunity/limits on civil liability on issues including medical liability, products liability and business	SB 51	Signed by Governor Parson on July 7, 2021. Effective August 28, 2021.

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	activity liability.		
MONTANA ENACTED	Civil actions alleging exposure or potential exposure to COVID-19 may not be brought or maintained unless it involves an act that constitutes gross negligence, willful and wanton misconduct, or intentional tort. COVID exposure liability is limited for premises and their managed activities unless the exposure occurs through an act of gross negligence, willful and wanton misconduct, or intentional exposure. Health care providers are protected from civil liability for death or injury resulting from providing or arranging health care in support of the state's response to COVID-19, unless the health care provider caused the death or injury by an act of gross negligence, willful and wanton misconduct, or an intentional tort. A person who designs, manufactures, labels, sells, distributes, or donates household disinfectants, PPE, or a qualified product in response to COVID-19 will not be civilly liable unless the harm was caused through an act of gross negligence, willful and wanton misconduct, or an intentional tort. Provides an affirmative defense if the person took reasonable measures consistent with public health guidance.	SB 65	2/10/21 ENACTED . Signed by Governor Greg Gianforte. Chapter No: 127
MONTANA ENACTED	HB 435 would generally grant civil liability immunity to health care providers and various businesses and persons for COVID-19 related claims.	HB 435	5/27/21 ENACTED . Assigned Chapter No: 516. Signed by Governor on 5/14/21. 5/4/21 Sent to Governor.
NEBRASKA	L.B. 52 is legislation that would provide immunity in any civil action for any injury or death resulting from an alleged exposure to COVID-19 after the effective date of the act.	LB 52	LB 52 is scheduled for a hearing in the Judiciary Committee on February 18, 2021
NEBRASKA	The legislation provides immunity from civil liability for health care providers operating pursuant to crisis standards of care when provided during a COVID-19 state of	LB 53	Judiciary Committee advanced LB 53 on May 10, 2021.

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	<p>emergency. A COVID-19 state of emergency means a state of emergency related to COVID-19 proclaimed by the Governor under statutory authority or executive order and in which the Governor has declared the applicability of crisis standards of care. Crisis standards of care shall mean those outlined in the Nebraska Medical Emergency Operations Center publication from November 23, 2020, on Crisis Standard of Care Planning Guidance.</p>		
<p>NEBRASKA ENACTED</p>	<p>L.B. 139 would raise the evidentiary standard to the clear and convincing standard and modifies the standard of care from negligence to gross negligence or willful misconduct for civil claims related to COVID-19 exposure. The bill also provides premises liability protection so long as the person is not engaging in gross negligence or willful misconduct. The bill provides a safe harbor for persons following public health guidance and provides liability protection for health care providers and facilities so long as they are not engaging in gross negligence or willful misconduct. L.B. 139 also limits the statute of limitations to two years.</p>	<p>LB 139</p>	<p>Signed by Governor Ricketts. Effective immediately.</p>
<p>NEW HAMPSHIRE FAILED</p>	<p>HB 149 would grant civil immunity to various public and private entities during major public health emergencies.</p>	<p>HB 149</p>	<p>3/16/21 Retained in Committee for Action in Second Year of Session.</p>
<p>NEW HAMPSHIRE FAILED</p>	<p>HB 255, would grant civil liability immunity to certain business and institutes of higher education for COVID-19.</p>	<p>HB 255</p>	<p>3/22/21 Retained in Committee for Action in Second Year of Session.</p>
<p>NEW HAMPSHIRE FAILED</p>	<p>SB 63, would grant civil liability immunity to “businesses organizations” for COVID-19.</p>	<p>SB 63</p>	<p>2/8/2021 SenateCommerce Hearing</p>
<p>NEW JERSEY</p>	<p>S2628 / A 4377 – Would establish general immunity for businesses etc, against actions relating to Coronavirus disease 2019 pandemic or related viral strain in subsequent</p>	<p>S2628 / A4377</p>	<p>6/29/2020 - S2628 Introduced in the Senate, Referred to Senate Judiciary Committee 7/2/2020 - A4377 Introduced,</p>

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	years.		Referred to Assembly Judiciary Committee
NEW JERSEY	AB 5859 grants civil liability immunity to swimming pools from COVID-19 claims.	A5859 / S4006	6/9/2021 – A5859 Introduced, Referred to Assembly Housing Committee 6/28/2021 -S4006 Introduced in the Senate, Referred to Senate Community and Urban Affairs Committee
NEW JERSEY ENACTED	AB 4979/SB 3584 grants immunity to real estate developments.	A4979 / S3584	6/30/2021 Passed Senate (Passed Both Houses) (34-0) 7/1/2021 Approved P.L.2021, c.142.
NEW JERSEY	A5170/S2872 would grant COVID-19 civil liability to businesses who provide hazard pay to their employees.	A5170/S2872	9/14/2020 - S2872 Introduced in the Senate, Referred to Senate Labor Committee 12/17/2020 – A5170 Introduced, Referred to Assembly Labor Committee
NEW YORK FAILED for 2021	AB 390 and SB 128 would make agreements exempting employers from liability for negligence related to COVID-19 void and unenforceable.	A390/S128	01/06/2021 referred to judiciary
NEW YORK ENACTED	A3397 would repeals the disaster treatment protection act which protects health care facilities and professionals from liability that may result from treatment of individuals with COVID-19	A3397 / S5177	04/01/2021 delivered to governor 04/06/2021 signed chap.96
NEW YORK FAILED for 2021	A 4102/S2560 would limiting the civil liability of employers and employees for the spread or possible transmission of COVID-19 caused by an act or omission while acting in good faith	A4102/S2560	1/21/21 Referred to Labor
NORTH CAROLINA ENACTED	The bills clarify applicability of liability protections for healthcare providers by specifying that those extend beyond 2020. Protections would apply to acts or omissions occurring during either the pendency of Executive Order No. 116 issued on March 10, 2020, or during any subsequent time period during which a state of emergency is declared to be in effect by the	HB 196 SB 172	HB 196 ENACTED 3/11/2021 SB 172 amended on 4/28/2021 to remove reviver and civil immunity provisions, now federal fund appropriation bill; introduced 3/1/2021; further consideration highly unlikely given passage of HB 196

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	Governor, in any year, in response to COVID-19.		
NORTH DAKOTA ENACTED	A person may not bring a civil action for exposure to COVID-19 unless intended to cause harm or constitutes malice. Premise owner, healthcare providers and health facility, supplies, equipment and products designed, manufactured, labeled, sold, distributed and donated in response to COVID-19 immunity from civil liability; safe harbor for compliance with statutes, regulations and EO. Retroactive to January 1, 2020 and effective through July 31, 2027. This Act is declared to be an emergency measure.	HB 1175	4/23/2021 ENACTED .
NORTH DAKOTA	An employer is immune from civil liability for an act or omission resulting in a compensable injury to an employee sustained from exposure or potential exposure to COVID - 19 if the act or omission was in substantial compliance or was consistent with a federal or state statute, regulation, or order, or a municipal ordinance or mayoral order or directive related to COVID - 19 which was applicable to the employer or activity at issue at the time of the alleged exposure or potential exposure. This Act applies retroactively to a claim for workers' compensation benefits filed after March 13, 2020, regardless of date of injury and applies to all civil actions filed after March 13, 2020. This Act is declared to be an emergency measure.	HB 1271	2/4/2021 FAILED to pass House by a vote of 14-79.
NORTH DAKOTA	An employer may not require an employee or a prospective employee to receive an immunization for the prevention of a communicable disease as a condition of retaining or obtaining employment. An employer is immune from civil liability for damage, loss, or injury that results from an employee contracting, being exposed to, or potentially being	HB 1301	2/4/2021 FAILED to pass House.

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	<p>exposed to a communicable disease. Section 1 applies to all civil actions filed after January 1, 2020, and applies to claims by an employee or former employee who knew or reasonably should have known about the contraction, exposure, or potential exposure to a communicable disease before the effective date of this Act. Section 2 of this Act applies retroactively to an employer that has made immunization a condition of employment after December 31, 2020.</p>		
NORTH DAKOTA	<p>An employer is immune from civil liability for damage, loss, or injury that results from an employee contracting, being exposed to, or potentially being exposed to COVID-19 during the course of employment.</p> <p>Immunity does not apply to damage, loss, or injury caused by an employer's willful misconduct or infliction of harm.</p> <p>This Act applies to all civil actions filed after March 1, 2021. This Act applies to claims by an employee or former employee who knew or reasonably should have known about the contraction, exposure, or potential exposure to COVID-19 before the effective date of this Act.</p>	HB 1376	<p>3/17/21 FAILED. Failed to pass Senate (1-46).</p> <p>2/16/21 Passed from House to Senate.</p>
NORTH DAKOTA ENACTED	<p>SB 2278 provides exposure liability protections to schools and other educational institutions unless caused by gross negligence or willful misconduct. Applies to claims from students, parents, or others who knew or should have known about exposure before the effective date of this Act. This Act is declared to be an emergency measure.</p>	SB 2278	<p>4/1/21 ENACTED</p> <p>3/30/2021 sent to Governor.</p> <p>3/29/2021 returned to Senate.</p> <p>3/26/2021 passed second reading in House (75-15). Emergency Clause carried.</p>
OKLAHOMA	<p>The bill would modify the existing liability protections for COVID adopted in Oklahoma last year by deleting a definition of "essential businesses." However, the statute being amended does not use that term, anyway, so it is unclear what this would accomplish. This</p>	SB 880	<p>7/22/21 Pending Carry-Over.</p>

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	confusing bill will be sorted out as and if necessary.		
OREGON	<p>HB 2638 Limits liability for certain claims for damages arising out of acts or omissions taken during coronavirus emergency period in reasonable compliance with government guidance related to coronavirus.</p> <p>SB 780 Limits liability of certain health care entities and providers for certain claims arising during COVID-19 emergency period.</p>	<p>HB 2638</p> <p>SB 780</p>	5/7/2021- SB 780 Passed Senate
PENNSYLVANIA	<p>HB 605 would provide limited civil liability, if definitions/conditions in bill are met, for:</p> <p>A manufacturer, distributor, donor or labeler of personal protective equipment.</p> <p>A user of personal protective equipment.</p> <p>A person providing business services on premises.</p> <p>Covered medical providers.</p> <p>No vicarious liability shall attach to the employer of any person immune under the bill.</p> <p>The bill would take effect immediately and is tied to the proclamation of disaster emergency and guidelines related thereto. Retroactive to initial proclamation on March 6, 2020.</p> <p>The immunity applies absent clear and convincing evidence of recklessness, willful misconduct or intentional infliction of harm. An act or omission in compliance with or in good faith belief of compliance with guidelines shall not be considered willful misconduct or intentionally designed or harm, or reckless.</p> <p>HB 605 also would provide that actions alleging personal injury or death relating to exposure to COVID-19 must first be submitted to</p>	<p>HB 605</p>	<p>Passed House on 4/6/2021; referred to Senate Judiciary</p> <p>Amended on House floor to include civil immunity provisions on 4/5/2021;</p> <p>Introduced on 3/24/2021 and approved by House Judiciary Committee on 3/25/2021 as compulsory arbitration bill.</p>

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	compulsory arbitration unless the complaint includes a certificate affirming that the personal injury or death resulted from the defendant's failure to comply with public health directives in effect at the time of the alleged misconduct.		
PENNSYLVANIA	HB 42 provides limited civil liability related to COVID-19 to health care providers, manufacturers and users of PPE, educators and others; also False Claims Act.	HB 42	Introduced January 11; referred to House Judiciary Committee
PENNSYLVANIA	SB 273 would provide limited COVID-19-related civil immunity for those who have attempted to comply with state and federal COVID guidelines including (i) schools and universities, (ii) manufacturers and others who provide Personal Protective Equipment (PPE), (iii) those who provide certain critical medical services, and (iv) those who have been permitted to open businesses or have provided critical governmental services. The bill applies to acts or omissions during a proclamation of disaster emergency; the initial declaration in PA was on March 6, 2020.	SB 273	Introduced 2/24/2021; referred to Judiciary Committee Senate Judiciary Chairs ED drafted proposed amendments adding an Long Term Care fund, funded in part by contributions from insurers. Concern that provisions could be “decoupled” and only Fund would be enacted has been expressed by industry Trial bar and Governor have not weighed in (not likely they will accept curret SB 273 provisions) IFP believes this will not move; IFP & PCCJR communicating concerns to ED
PENNSYLVANIA	HB 831 would provide limited civil immunity for health care providers during a declared state-wide or political subdivision disaster emergency, including the COVID-19 disaster emergency; retractive to March 6, 2020.	HB 831	Introduced 3/8/2021; referred to Judiciary
SOUTH CAROLINA ENACTED	SB 147 provides liability protections for a limited time period for health care providers and businesses that follow public health guidance in response to the coronavirus public health emergency; Applies to civil and administrative actions arising from March 13, 2020.	SB 147	ENACTED on 4/28/2021
SOUTH CAROLINA FAILED for 2021	HB 3597 enacts the COVID-19 Liability Safe Harbor Act; provides liability protections for a limited time period for health care providers and businesses that follow public health	HB 3597	Failed for 2021; carryover to 2022

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	guidance in response to the Coronavirus public health emergency; retroactive to March 13, 2020.		
SOUTH CAROLINA FAILED for 2021	SB 183 provides that the owner and operator of a community pool is not liable in an action seeking damages for injury or death resulting from the transmission of COVID-19 alleged to have resulted from the reopening of a community pool.	SB 183	Failed for 2021; carryover to 2022
SOUTH CAROLINA FAILED for 2021	HB 3698 provides liability protections for a limited time period for health care providers and businesses that follow public health guidance in response to the coronavirus public health emergency; retroactive to March 13, 2020.	HB 3698	Failed for 2021; carryover to 2022
SOUTH DAKOTA ENACTED	Provides exposure, health care, and product liability protections related to COVID-19. Exposure actions may not be brought or maintained unless the exposure related in a COVID-19 diagnosis and is the result of intentional exposure. Must be plead with particularity and elements must be established by clear and convincing evidence. Those that own or control premises will not be liable for COVID-19 exposure unless it was intentional, the allegations are plead with particularity, and the elements are proven by clear and convincing evidence. Health care providers will not be liable for services provided in response to COVID-19 (including delay of non-urgent and elective procedures) unless the act or omission constitutes gross negligence, recklessness or willfull misconduct. Those that design, manufacture, label, sell, distribute or donate cleaning supplies, PPE, or qualified products in response to COVID-19 will not be liable for harms absent recklessness or willfill misconduct. Applies to exposure to COVID-19, injury, latent injury, damages, claim, cause of action, or loss that occurs, accrues, orgegins, whether known, unknown, or latent	HB 1046	2/17/21 ENACTED . Signed by Governor Kristi Noem Chapter No. 91

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	between January 1, 2020 and December 31, 2022.		
TENNESSEE FAILED	SB 1369 and identical cross-filed HB 1442 would amend the COVID-19 Recovery Act (civil immunity law enacted in 2020) to add dental procedures, providing that delaying or modifying the schedule or performance of any dental procedure is deemed "arising from COVID-19" as used in the Act.	SB 1369 HB 1442	FAILED Session Adjourned
TEXAS	Please find attached information on the forthcoming civil immunity legislation to be filed in Texas. Chubb intends to strongly support this measure.	Pandemic Liability One-Pager (1/19/21) TCJL Pandemic Liability Outline (1/19/21)	Bills are in drafting. The Texas legislative session is off to a very slow start. However, even in a "normal" session environment, substantive legislative work rarely gets done before March 1.
TEXAS ENACTED	SB 6 grants immunity from COVID-19 related claims to health care providers and workers.	SB 6 HRO Bill Analysis HB 3659 (Companion - FAILED)	6/14/21 SB 6 ENACTED . Signed by the Governor. Effective immediately.
TEXAS FAILED		HB 4481	FAILED
VIRGINIA Failed	HB 2143 provides limited civil immunity to persons, as defined in the bill, from civil claims related to transmission of the COVID-19 virus and use of personal protective equipment; expires two years after end of state of emergency.	HB 2143 DEAD BILL	FAILED to meet Crossover deadline
WEST VIRGINIA FAILED	SB 3 broadly provides that no civil action may be maintained and no damages may be recoverable in any cause of action for personal injuries or loss of life caused by coronavirus; applies prospectively and retrospectively.	SB 3	FAILED Adjourned
WEST VIRGINIA FAILED	HB 2021, the "COVID-19 Immunity Act," provides limited civil liability for damages for an injury resulting from exposure of an individual to COVID-19 on the premises owned or operated by the person, or during an activity supervised, sponsored, or managed by the person, so long as	HB 2021	FAILED Adjourned

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	<p>the person was acting in compliance or consistent with guidance applicable at the time of the alleged exposure or injury. Retroactive to the date that the State of Emergency was declared in WV.</p>		
<p>WEST VIRGINIA ENACTED</p>	<p>SB 277 creates the COVID-19 Jobs Protection Act; provides that there is no claim against any person, essential business, business, entity, health care facility, health care provider, first responder, or volunteer for loss, damage, physical injury, or death arising from COVID-19, COVID-19 care, or impacted care; extinguishes liability for death or personal injury related to the design, manufacture, or labeling of supplies or PPE either sold or donated unless there actual knowledge of a product defect; makes workers' compensation the sole and exclusive remedy for COVID-19-related injuries or conditions through employment; retroactive to January 1, 2020; clarifies that no new cause of action is created nor defense limited by the act; and clarifies that the article does not affect duties or rights arising from contract.</p>	<p>SB 277</p>	<p>ENACTED on 3/19/2021</p>
<p>WEST VIRGINIA FAILED</p>	<p>HB 2887 would provide guidelines for school systems regarding their legal liability for exposure to COVID-19 and provide for limited civil immunity to school systems from lawsuits in certain circumstances.</p> <p>HB 2887 provides that if the school system was in substantial compliance with controlling health standards, the school system is immune from liability unless the plaintiff pleads sufficient facts and proves that the school system violated with gross negligence or was not in substantial compliant with controlling health standards and the gross negligence was the proximate cause of the plaintiff's personal injury or death. The immunity described in paragraph (b) does not apply to the</p>	<p>HB 2887</p>	<p>FAILED Adjourned</p>

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	school system.		
WISCONSIN	Comprehensive legislation addressing State response to COVID-19 emergency. Contains civil liability immunity provisions for certain individuals/entities.	SS1 for AB 1 SA2 to SSB 1 for AB1 Veto Letter	VETOED. Bill finally approved by Wisconsin Legislature and immediately vetoed by Governor Evers on Feb 5, 2021.
WISCONSIN	Comprehensive legislation addressing State response to COVID-19 emergency. Contains civil liability immunity provisions for certain individuals/entities. Provisions amended onto this bill week of Feb 15, 2021.	January 2021 Special Session SB 1	ENACTED – Feb 25, 2021
WYOMING ENACTED	During a public health emergency any health care provider or other person, including a business entity, who in good faith follows the instructions of a state, city, town or county health officer or who acts in good faith in responding to the public health emergency is immune from liability arising from complying with those instructions or acting in good faith. The above is immune from liability unless the person seeking damages proves gross negligence or willful or wanton misconduct. Any acts or omissions constituting a COVID-19 claim shall be stated with particularity and shall be proven by clear and convincing evidence.	SF 19	4/6/21 ENACTED. Signed by Governor Mark Gordon. Assigned Chapter Number 118. Effective 4/6/21.
WYOMING FAILED	During a public health emergency any person or other entity shall be immune from civil liability for any acts or omissions of the person or entity that caused another to be exposed to or to contract the disease, agent or toxin for which the public health emergency is declared.	HB 59	3/22/21 FAILED. Did Not Consider in Committee of the Whole.

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