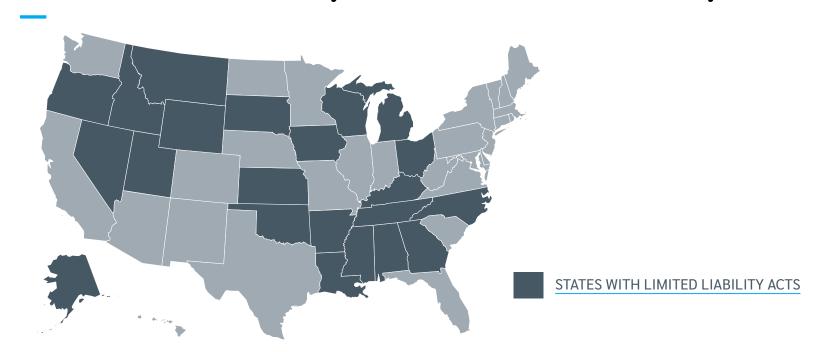


COVID-19 State-by-State Limited Liability Acts



State	Status	Legislation	Effective date(s)	Overview	Exclusions	Definitions	Other
ALABAMA	Declaration by the secretary of the Department of Health and Human Services	Executive Order	03/13/2020 until the public health emergency is terminated	Provides civil immunity to businesses and healthcare providers responding to COVID-19. Includes business or healthcare providers engaged in testing, distribution of testing materials, monitoring, collecting, reporting, tracking, tracing, investigating or disclosing exposures; performance of any healthcare service or treatment by a healthcare provider; any design, manufacture, distribution, allowance, use or non-use of personal protective equipment; any design, manufacture or testing materials done under the direction of the Alabama Department of Public Health.	There must not be any willful, wanton, reckless or intentional misconduct. Claimant must provide clear and convincing evidence.	N/A	Organizations should understand and develop protocols to make sure that their actions are commensurate with CDC, OSHA and all federal, state and local guidelines regarding COVID-19 at a given point in time. As available information changes, protocols should be reevaluated and updated accordingly. Proper measures, including any changes in the environment or protocols, should be clearly outlined to each affected location and measures taken to assure that they are followed. All actions should be closely monitored and in writing.
ALASKA	Enacted	Senate Bill 241	May 18, 2020	Shielding liability associated with issuing, providing, or manufacturing personal protective equipment.	N/A	N/A	See "Alabama" section.
ARKANSAS	In effect	Executive Order 20-33	03/11/2020 until emergency is terminated	Provides immunity to all businesses that open or remain open during the COVID-19 emergency. Includes all persons, employees, agents and officers immune from civil liability for damages or injuries from the exposure of an individual to COVID-19 on the premises owned or operated by those persons or during any activity managed by those persons.	Excludes the willful, reckless or intentional misconduct that results in injury or damages. Immunity does not extend to employees under workers' compensation law in any jurisdiction.	Willful, reckless or intentional misconduct: Persons, agents and officers that did not substantially comply with the health and safety directives or guidelines issued by the governor or the secretary of the Department of Health. Person is an individual, entity, organization, group, association, partnership, business, institution of learning, commercial concern, corporation or company.	See "Alabama" section.

COVID-19 State-by-State Limited Liability Acts

State	Status	Legislation	Effective date(s)	Overview	Exclusions	Definitions	Other
GEORGIA	Enacted	Senate Bill 359 - COVID-19 Pandemic Business Safety Act	08/07/2020 - 07/14/2021	Protects healthcare facilities, businesses and other entities from civil liability related to the spread of COVID-19 except where there is a showing of gross negligence or intentional misconduct. Creates a rebuttable presumption of assumption of risk by any claimant except for gross negligence, etc.	There must not be any evidence of gross negligence, willful and wanton misconduct, reckless infliction of harm or intentional infliction of harm.	The transmission, infection, exposure or potential exposure to the virus at any healthcare facility or the premises of any entity. Also includes the acts or omissions of a healthcare provider in arranging medical care; the manufacturing, labeling, donation or distribution of PPE or sanitizer during the public health state of emergency.	Organization must post the following at each entrance using one inch Arial font: Under Georgia law, there is no liability for an injury or death of an individual entering these premises if such injury or death results from the inherent risks of contracting COVID-19. You are assuming this risk by entering these premises. See "Alabama" section.
IDAHO	Enacted	HB529 HB2 HB3 HB4 HB5	08/24/20	House Bill 529 provides that no architect, engineer, or contractor may be held liable for personal injury, wrongful death, property damage, or other loss related to a service provided at the request or approval of a national, state, or local public official in response to a declared emergency, disaster, or a catastrophic event. House Bill 2 outlines that a "person" is immune from civil liability for damages or an injury resulting from exposure of an individual to coronavirus on the premises owned or operated by the person or during an activity managed by the person. Under House Bill 3, an accredited institution of higher education or any of its agents "shall not be liable for any claim arising from transmission or contraction of COVID-19." House Bills 4 and 5 provides a person who acts in "an effort to address or mitigate the disaster or emergency arising from a coronavirus-related disaster or emergency" is immune from civil liability arising from the exposure to or the transmission of the coronavirus for acts or omissions "made in good faith" Exceptions/Waivers: Under House Bill 529, immunity does not apply to architects, engineers, and contractors who render services within ninety (90) days following the end of the declared emergency. Under House Bill 2, immunity does not apply to a person whose actions are the result of willful misconduct, reckless infliction of harm, or intentional infliction of harm. Under House Bill 3, immunity applies only to accredited institutions of higher education who act "without malice or criminal intent and without reckless, willful, and wanton conduct as defined in section 6-1601" of the Idaho Code. Under House Bills 4 and 5, the immunity does not apply to persons who fail to make a good faith effort to comply with a "statute, rule, or lawful order of a government entity in effect at the time and such failure is the proximate cause of injury to another".	N/A		See "Alabama" section.
IOWA	Enacted	SF 2338 Response and Back-to- Business Limited Liability Act	06/18/2020	Protects a person who possesses or is in control of a premises, including a tenant, lessee or occupant, who is in substantial compliance or was consistent with any federal or state statutes, regulation, order or public health guidance related to COVID-19 at the time of the alleged or potential exposure. Healthcare providers shall not be liable for civil damages for causing or contributing to the death or injury of an individual as a result of their acts or omissions while providing or arranging healthcare support in the state's response to COVID-19. This includes screening, assessing, diagnosing, caring for or treating individuals with a suspected or confirmed care of COVID-19; prescribing, administering or dispensing a pharmaceutical for off-label use to treat a patient with suspected or confirmed case of COVID-19; diagnosing or treating patients outside the normal scope of the healthcare provider's license or practice; using medical devices, equipment or supplies outside of their normal use; conducting tests outside the premises of a healthcare facility; lack of staffing, facilities, medical devices, equipment, supplies etc.; use or nonuse of PPE. Protects manufacturers, distributors and persons that donates supplies for COVID-19.	Excluded if there was intentional infliction of harm or malice; reckless or willful misconduct. Cleaning supplies, PPE or qualified product: Excluded if the person recklessly disregarded a substantial and unnecessary risk that the product would cause serious personal injury, death or serious property damage. Excluded if acted with actual malice.	Healthcare providers: Healthcare professional, healthcare facility, home healthcare facility and any other person or facility otherwise authorized or permitted by any federal or state statute, regulation, order or public health guidance to administer healthcare services or treatment. Healthcare services: Diagnosis, prevention, treatment, care, cure or relief of a health condition, illness, injury or disease. Healthcare professional: Physicians and other healthcare practitioners who are licensed, certified or otherwise authorized or permitted by the laws of this state to administer healthcare services in the ordinary course of business or in the practice of a profession; includes volunteers an those engaged in telemedicine to telehealth. Includes employer or agent of the healthcare profession who provides or arrange healthcare.	See "Alabama" section.

COVID-19 State-by-State Limited Liability Acts

State	Status	Legislation	Effective date(s)	Overview	Exclusions	Definitions	Other
KANSAS	Enacted	<u>HB 2016</u>	03/12/2020 - 01/26/2021	Products: Manufacturers of anything used against the pandemic or resultant adverse effects from these products (includes antivirals, drugs, biologics, diagnostics, devices, vaccines to treat, diagnose, cure, prevent or mitigate the transmission of COVID-19 or a mutation thereof), are protected under federal and state law as long as approved or cleared by the FDA under the FDCA, licensed under the PHSA or authorized for emergency use by the FDA. Must be qualified pandemic or epidemic products, security countermeasures, drugs, biologics or devises authorized for emergency or investigational use. Limited to recommended activities involving covered countermeasures related to federal contract or other federal transactions or agreements, activities authorized by authorities with jurisdiction to prescribe, administer, deliver, distributes or dispense same. Healthcare provider is immune for civil liability for damages, administrative fines or penalties for healthcare decisions or the rendering of or failure to render healthcare services in response to COVID-19. Manufacturers: Any person that designs, manufactures, labels, sells, distributes or donates household disinfecting or cleaning supplies, PPE or a qualified product in response to COVID-19 shall not be liable in a civil action alleging personal injury, death or property damage related to COVID-19. This includes the failure to provide property instructions or sufficient warnings. Adult care facility: Has affirmative defense to liability in a civil action for damages, administrative fines or penalties if due to facilities reacceptance of a resident removed for treatment of COVID-19 as required by statute, etc., treatment of a resident who tests positive, or is acting pursuant and in substantial compliance with public health directives.	Excludes death or serious physical injury caused by willful, wanton or reckless disregard of a known, substantial and unnecessary risk that the product would cause serious injury to others. Only applies to U.S. claims.	Authority: Anyone in connection with the pandemic to include a public agency or its delegates that has legal responsibility and authority for responding to an incident based on political or geographic or function range of authority. Healthcare provider: Any person or entity that is license, registered, certified or otherwise authorized by the state of Kansas to provide healthcare services in this state, including hospice certified in the Medicare program. Clinical trials: Covered as long as it meets all requirements. Willful misconduct: Reckless or negligent behavior; requires clear and convincing evidence of an act or failure to act taken intentionally for a wrongful purposes; known act without legal or factual justification; disregard of a know and obvious risk where probable harm outweighs benefits.	Pre-approval by FDA, licensed under PHSA or authorized for emergency used by FDA. Must be qualified products or measures. See "Alabama" section.
KENTUCKY	Enacted	Senate Bill 150	03/30/2020	Provides limited immunity to: healthcare providers, which are protected from liability for ordinary negligence related to healthcare decisions involving COVID-19 and makers and suppliers of PPE and personal hygiene supplies, which are protected from claims of ordinary negligence and product liability if the manufacture/provision of such supplies is not in the company's normal course of business. Exceptions: 1 Immunity does not extend to claims of gross negligence, or willful and wanton conduct. 2 Conduct of healthcare providers is only immunized to the extent that the healthcare provider "acts as an ordinary, reasonable, and prudent health care provider would have acted under the same or similar circumstances." 3 Conduct of manufacturers or suppliers of PPE or hygiene products is only immunized to the extent the companies "acted in good faith and in an ordinary, reasonable, and prudent manner under the same or similar circumstances."	N/A	N/A	See "Alabama" section.
LOUISIANA	Enacted	НВ 826	03/11/2020	Protects natural or juridical person, state or local governments from claims related to COVID-19 exposure. Events applies to those that plan, host, promote, produce or otherwise organize an event. An employee who contracts COVID-19 in the workplace has no tort remedy against the employer unless it is the result of an intentional act.	Does not apply if the business substantially failed to comply with the applicable coronavirus procedures established by the federal, state or local agency which governs the business and was caused by the gross negligence or wanton or reckless misconduct of the business.		See "Federal" section.
MICHIGAN	Enacted	HB6030 and HB6031	10/22/2020	HB6030 referred as "Response and Reopening Liability Assurance Act" establishes certain standards for tort claims alleging exposure to COVID-19. Under the Act, employers are shielded from liability if they complied with federal and state statutes, regulations, executive orders, and all other related guidance. The employer is also protected under HB6031 from liability protections to employees. The act amends Michigan's OSHA requirements providing a liability defense if the employer followed federal and state statutes, regulations, executive orders, and all other related guidance. and state statutes, regulations, executive orders, and all other related guidance.	The law retroactively applied to any claims accrued after March 1, 2020. It does not affect an employee's right or protections under the worker's disability compensation act.		

State	Status	Legislation	Effective date(s)	Overview	Exclusions	Definitions	Other
MISSISSIPPI	Enacted	SB 3049 Mississippi Back-to Business Liability Assurance and Health Care Emergency Response Liability Protection Act	07/08/2020	Provides immunity for an individual, the state or its political subdivisions, associations, educational entities, for-profit and nonprofit entities, religious and charitable organization or an owner/lessee/occupant of a premise from civil damages for injuries or death related to the actual, alleged or potential exposure to COVID-19. Must be able to show that they attempted, in good faith, to follow applicable public health guidance including the time before it was available. Healthcare: Provides immunity for healthcare professionals and healthcare facilities from the date of the declaration of the emergency through any renewals and for up to 1 year thereafter. Manufacturers: Provides immunity for any person who designs, manufactures, labels, sells, distributes or donates a broad range of qualified products in response to the emergency. Includes suppliers of PPE or disinfecting or cleaning supplies outside of that entity's ordinary course of business.	Claimant must show judge or jury clear and convincing evidence that the defendant acted with actual malice or willful, intentional misconduct.	Healthcare services: Includes screening, assessing, diagnosing or treating persons in relation to the emergency or in support of it; the delaying or cancelling of non-urgent or elective procedures or the altering of the diagnosis or treatment of any person in response to the emergency; diagnosing or treating persons outside the normal scope of the healthcare professional's license or practice; use of equipment or supplies outside of a product's normal intended use; prescribing, administering or dispensing a pharmaceutical for off-label use to treat patient in relation to the emergency; testing performed outside the premises of a healthcare facility; acts or omissions caused by lack of staffing, facilities, equipment supplies or other resources. Covers volunteers working at the direction of the Department of Health or the Mississippi Emergency Management Agency. Products: Includes PPE, medical devices, equipment supplied, used or modified for an unapproved use; off-label use of medications; test to diagnose the disease or immunity to it, approved or submitted to the FDA for approval.	All lawsuits which allege COVID-19 related injuries must be brought no later than 2 years after the cause of action accrues. See "Alabama" section.
MONTANA	Enacted	SB65	February 2021	Any person who possesses or is in control of a premises, including a tenant, lessee, or occupant of a premises, who directly or indirectly invites or permits an individual onto a premises, 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 premises. The bill also established the following defenses: (1) 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.	Civil actions which involve an act or omission that constitutes gross negligence, willful and wanton misconduct, or intentional tort.	N/A	N/A
NEVADA	Enacted	SB4 -Alolfo Fernandez Bill (employee died due to COVID-19)	08/11/2020 - later of either the date when the governor terminates the emergency issued on 03/12/2020 or 07/01/2024	Limits the civil liability of certain businesses (including for-profit, governmental entity and nonprofits) for claims related to the exposure to COVID-19. Secretary of state can suspend a state business license of persons that do not comply with controlling health standards related to COVID-19. Counties with a population of 100,000+ must adopt regulation requirements to reduce and prevent the transmission of COVID-19 in public accommodation facilities during a declaration of a public health emergency due to it and provide enforcement of those regulations. Facilities must submit plan. Plans will remain confidential. Employers cannot retaliate against an employee for participating in proceedings seeking enforcement of these provisions.	If businesses due to not comply with controlling health standards.	Regulations: Applies to the cleaning of public accommodation facilities; establishes protocols to limit its transmission and train staff on prevention, etc. Requires each public accommodation facility to establish, implement and maintain a written COVID-19 response plan that provides testing and time off for employees who have been exposure or experience systems of COVID-19. Must submit a copy of the plan to the Board. Requires those facilities that are not under the jurisdiction of the Board to do same.	See "Alabama" section.

State		Status	Legislation	Effective date(s)	Overview	Exclusions	Definitions	Other
NORT	••	Enacted	SB704 HB901 - Chapter 99E	SB704 (Emergency or Disaster Treatment Protection Act): 03/10/2020 and during time when subsequent emergency is called; businesses - 03/27/2020 HB901: 03/10/2020 - one year after the expiration or rescission of the declared emergency order	SB704 - Pharmacists: If the CDC recommends an immunization or vaccination for COVID-19 when not in session, that person can petition the state health director, in writing, to authorize immunizing pharmacist to administer it by means of a statewide standing order. State will develop a minimum standard screening questionnaire and safety procedures for written protocols. State health director will be immune from civil or criminal liability a well as any pharmacist who administers the immunization or vaccine pursuant to the statewide standing order. Healthcare facility, provider or entity that has legal responsibly for the acts or omissions of a healthcare provider has immunity from any civil liability due to arranging for or providing healthcare services if all of the following apply: it is during the COVID-19 emergency declaration; the arrange or provision of the services is impacted by decisions or activities in response to or as a result of the pandemic; and facility or entity provides healthcare services in good faith. Volunteer organizations: Immunity from civil liability. Essential services: Immunity applies as respects civil liability. HB901 - Pool owners and operations: Limits liability for reopening community pools for injury or death related to the transmission of COVID-19.	Excluded if pharmacist does not visually inspect any form of government-issued photo identification. Healthcare services: Excluded if harm or damages were caused by an act or omission constituting gross negligence, reckless misconduct or intentional infliction of harm (resource or staffing shortage does not constitute gross negligence, etc.). Volunteer and essential services: Same as healthcare. Essential services: Immunity does not apply to employees of essential business or emergency response entity. Pool owners: Excludes gross negligence, willful or wanton conduct or intentional wrongdoing.	Healthcare facility: Any entity licenses pursuant to Chapter 122C, 131D or 131 of the General Statutes or Article 64 of Chapter 58 of the General States and any clinical laboratory certified under the federal Clinical Laboratory Improvement Amendments in section 3535 of the Public Health Service Act. Healthcare provider: Individual licensed, certified or authorized under Chapter 90 or 90B of the General Statutes to provide healthcare services; a healthcare facility where healthcare services are provided to patients, residents or others to whom such services are provided as allowed by law; individuals licensed under Chapter 90 of the General States or practicing under a waiver in accordance with G.S 90-12.5; EMT as defined in G.S 131E-155 (7); individual providing healthcare services within the scope of authority permitted by a COVID-19 emergency rule; healthcare facility administer, executive, supervisor, board member, trustee or other person in managerial position; agent or employee of a healthcare facility that is licensed, certified or authorized to provide healthcare service; officer or director of a healthcare facility; agent or employee licensed, certified or authorized to provide healthcare services. Healthcare services: Treatment, clinical direction, supervision, management or administrative or corporate service provided by a healthcare facility or provider during the emergency including testing, diagnosis or treatment; dispensing of drugs, medical services, medical appliances, or medical goods for the treatment of a health condition, illness, injury or disease related to a confirmed or suspect case. Medical facility: Any medical organization, company or institution that has made it facility available to support the state's response and activities under COVID-19 in accordance with the emergency rule. Community pool: Private-owned community swimming pool including one owned by a multi-unit apartment complex, homeowners association or condominium unit owners association.	See "Alabama" section.
ОНЮ		In legislation	НВ 606	03/09/2020 - 12/31/2020	Provides immunity to healthcare providers that provides healthcare services, emergency medical services first-aid, or other emergency professional care to respond to a disaster or emergency. Business and premises owners: Not historically required to keep members of the public from being exposed to airborne viruses, bacteria and germs; individuals who go out in the public are held personally responsible; directives from the executive branch, counties and local municipalities, board of health, etc. Does not create any new legal duties for business owners.	Excluded if deemed healthcare provider was grossly negligent. Does not grant immunity for actions that are outside the skills, education and training of the healthcare provider unless taken in good faith and in response to a lack of resources caused by a disaster or emergency.	Gross negligence: Lack of care so great that it appears to be a conscious indifference to the rights of others.	See "Alabama" section.

State	Status	Legislation	Effective date(s)	Overview	Exclusions	Definitions	Other
OKLAHOMA	Enacted	SB 1946	05/21/2020	Provides immunity from civil liability for certain claims in state court relating to an individuals' alleged exposure or potential exposure to COVID-19.	Excluded if business or individual did not follow applicable estate or federal guidance for COVID-19 at the time of the alleged exposure included CDC, OSHA, the Oklahoma State Department of Health, the Oklahoma Department of Commerce, state or federal regulation or a presidential or gubernatorial executive order; if two or more sources conflict with or another, immunity is retained.	N/A	See "Alabama" section.
OREGON	Enacted	HB4212	06/30/2020	The bill protects organizations from liability related to 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.	No exclusions. Businesses covered are owners, officers, operators, employees, or agents of an isolation shelter or of a public entity.		
SOUTH DAKOTA	Enacted	HB1046	02/18/21	Employees, customers or others that were exposed to COVID-19 at a particular business or premises are barred from lawsuits, unless the person suing can prove the business owner intentionally exposed them to the virus.	Intentional acts.	N/A	N/A
TENNESSEE	Enacted	SB 2 (Tennessee COVID-19 Recovery Act)	08/12/2020	Provides immunity for any individual, healthcare provider, sole proprietorship, corporation, LLC, partnership, trust, religious organization, association, nonprofit (501 c3) or other legal entity for loss, damage, injury or death arising from COVID-19 unless the claimant can provide clear and convincing evidence that the person or organization proximately caused the loss, damage, injury or death by an act or omission constituting gross negligence or willful misconduct. In any claim alleging loss, damage, injury or death arising from COVID-19, the claim must file a verified complaint pleading specific facts from which a finder of fact could reasonably conclude that the alleged loss, damage, injury or death was caused by the defendant's gross negligence or willful misconduct. Must also file a certificate of good faith stating that the claimant or claimant's counsel has consulted with a physician duly licensed to practice in the state or a contiguous bordering state; signed written statement that the physician is competent to express an opinion related to the contraction of COVID-19 and belief that such alleged loss, damage, injury or death was caused by an alleged act or omission of the defendant or defendants.	Failure of a claimant to satisfy the aforementioned requirements.	COVID-19 - any actions or inactions caused by or resulting for the actual, alleged or possible exposure to or contraction of COVID-19 or caused by or resulting from services, treatment or other actions in response to COVID-19 including: implementing policies and procedures to prevent or minimize its spread; testing, monitoring, collecting, reporting, tracking, tracing, disclosing or investigating COVID-19 exposure or other COVID-19 related information; using, designing, manufacturing, providing, donating or servicing precautionary, diagnostic, collection or other health equipment or supplies such as PPE; closing or partially closing to prevent or minimize its spread; delaying or modifying the schedule or performance of an medical procedure; providing services or products in respect to government appeal or re-purposing operations to address an urgent need for PPE, sanitation products or other products. COVID-19 means the novel coronavirus, SARS CoV02 and coronavirus disease 2019 including any mutation thereof.	See "Alabama" section.
UTAH	Enacted	SB3007	05/04/2020	Business owners are immune from civil liability for damages or an injury resulting from exposure of an individual to COVID-19 that happens at their premises.	Excluded if there is evidence of willful misconduct, reckless infliction of harm or intentional infliction of harm.	N/A	See "Alabama" section.
WISCONSIN	Enacted	Wisc. Act 185	04/15/2020	Liability immunity is provided to healthcare services, as well as organizations who manufacturer, distribute, sells or donates medical emergency supplies to the government or charitable organizations in response to the public health emergency.	N/A	N/A	N/A
WYOMING	Enacted	SF 1005	05/20/2020 - 06/30/2021	Business entity is immune from civil liability for any action or omission that results in alleged exposure to or the contracting of coronavirus on the property or premises of the property owner, property lessee, property user or business entity.	Excludes intentional acts of exposing an individual to coronavirus.	Business entity: Corporation, association, partnership, trust, JV, LLC, LLP, political subdivision or other body of government, hospital, long-term care facility or other legal business entity.	See "Alabama" section.