



2019-2020 General Assembly

# SENATE BILL 704: COVID-19 Recovery Act , Sec. 4.14: Limited Business Immunity for Essential Businesses

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<b>Committee:</b>		<b>Date:</b>	October 16, 2020
<b>Introduced by:</b>		<b>Prepared by:</b>	Bill Patterson Staff Attorney
<b>Analysis of:</b>	Sec. 4.14 of S.L. 2020-3		

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**OVERVIEW:** *Sec. 4.14 of S.L. 2020-3 provides civil liability immunity for a limited time to:*

- *Essential businesses with respect to employee or customer claims for injury or death alleged to have been caused by contracting COVID-19 while doing business with or employed by the essential business.*
- *Emergency response entities with respect to customer, user, or consumer claims for injury or death alleged to have been caused by the COVID-19 pandemic or while doing business with the emergency response entity.*

*As used in this section, the term "essential business" means businesses, not-for-profit organizations, educational institutions, and governmental entities identified in Executive Order No. 121 issued on March 27, 2020, as amended by executive order, and the term "emergency response entity" means businesses, not-for-profit organizations, educational institutions, and governmental entities that manufacture, produce, or distribute personal protective equipment, testing equipment, or ventilators, or process COVID-19 testing results.*

*This section does not apply to claims based on acts or omissions constituting gross negligence, reckless misconduct, or intentional infliction of harm, and does not preclude an employee of an essential business or emergency response entity from seeking an appropriate remedy under the Workers' Compensation Act for injuries or death alleged to have been caused as a result of the employee contracting COVID-19 while employed by the essential business or emergency response entity.*

*These provisions for immunity from civil liability apply to acts or omission occurring after March 27, 2020 and expire upon the rescission or expiration of the COVID-19 emergency declaration (Executive Order No. 116) issued on March 10, 2020.*

*Section 2 of S.L. 2020-89 (House Bill 118) states that nothing in that act affects the immunity provided by this section.*

*This section became effective on May 4, 2020 and applies to claims filed on or after March 27, 2020.*

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Legislative Analysis  
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