



## STATE COVID-19 BUSINESS LIABILITY

### Enacted

State / Bill	Liable?	Notes	Status
California <a href="#">SB 1159 / Ch. 85</a>	<b>Yes</b>	<p>This bill would require employers to award compensation (including full hospital, surgical, medical treatment, disability indemnity, and death benefits) to an employee if the employee tests positive for COVID-19 within 14 days after a day that the employee performed labor or services at the employee’s place of employment if the positive test occurred during a period of an outbreak at the employee’s specific place of employment.</p> <p>It would define an “outbreak” as follows:</p> <ul style="list-style-type: none"> <li>• For employers with 5-100 employees, 5 or more employees who worked at a specific work location contracted the disease within a 14-day period;</li> </ul> <p>b) For employers with more than 100 employees, 5% or more of the employees who worked at a specific work location contracted the disease within a 14-day period.</p>	09/17 – approved by Governor, effective immediately
Georgia <a href="#">SB 359 / Act 588</a>	<b>No</b>	<p>This law deems that no entity (to include businesses) or individual shall be held liable for damages in an action involving a COVID-19 liability claim.</p> <p>It does not provide immunity if the claimant proves the actions of the entity showed gross negligence, willful and wanton misconduct, reckless infliction of harm, or intentional infliction of harm.</p>	08/05 – signed by governor, effective immediately until 07/14/21
Idaho <a href="#">HB 6 / Ch. 2</a>	<b>No</b>	<p>The law provides immunity for a person (definition includes businesses) from civil liability for damages or an injury resulting from exposure of an individual to coronavirus.</p> <p>It does not provide immunity for acts or omissions that constitute an intentional tort or willful or reckless misconduct.</p>	08/27 – signed by governor, effective immediately until 07/01/21

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Iowa <a href="#">SF 2338</a>	<b>No</b>	<p>The law states that a person shall not be held liable for civil damages for any injuries sustained from exposure or potential exposure to COVID-19</p> <p>It does not provide immunity if the act or omission alleged to violate a duty of care was in substantial compliance or was consistent with any 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 exposure or potential exposure.</p>	<p>06/18 – signed by governor, effective 07/01</p> <p>Retroactive to 01/01</p>
Louisiana <a href="#">HB 826 / Act 336</a>	<b>No</b>	<p>The law states that no person shall be liable for any civil damages for injury or death resulting from or related to actual or alleged exposure to COVID-19 during or through the performance of the person’s business operations.</p> <p>It does not provide immunity if the person failed to comply with COVID-19 procedures established by federal, state, or local authorities.</p>	<p>06/13 – signed by governor, effective immediately</p> <p>Retroactive to 03/11</p>
Michigan <a href="#">HB 6030 / Act 236</a>	<b>No</b>	<p>The laws deem that a person is not liable for a claim for damages, losses, indemnification, contribution, or other relief as a result to exposure or potential exposure to COVID-19 on premises owned, leased, managed, or operated by a person, or during an activity managed by a person.</p> <p>It does not exempt instances where there is clear and convincing evidence that the injuries were caused by a reckless disregard of a substantial and unnecessary risk that an individual would be exposed to COVID019, or the person engaged in a deliberate act intended to cause harm.</p>	<p>10/22 – approved by Governor, effective immediately</p>
Michigan <a href="#">HB 6031 / Act 237</a>	<b>No</b>	<p>These laws deem that an employer is not liable for damages that result from the exposure of an employee to COVID-19 during the governor’s state of emergency if the employer was operating in substantial compliance or reasonably consistent with relevant federal or state statutes, regulations, executive orders, or public health guidance.</p>	<p>10/22 – approved by Governor, effective immediately</p>
Mississippi <a href="#">SB 3049</a>	<b>No</b>	<p>This law provides immunity from a civil damages suit for injuries or death resulting from or related to actual or alleged exposure or potential exposure to COVID-19 against a person who attempts in good faith to follow public health guidelines.</p> <p>It also provides blanket immunity from a suit against a person if actual or alleged exposure or potential exposure to COVID-19 occurred before public health guidance was available.</p>	<p>07/08 – approved by governor, effective immediately until one year after expiration of state of emergency</p> <p>Retroactive to 03/14</p>

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North Carolina <a href="#">SB 704 / S.L. 2020-3</a>	<b>No</b> <b>Essential Businesses Only</b>	This law provides immunity from civil liability for essential businesses against claims from any customer or employee for any injuries or death alleged to have been caused as a result of contracting COVID-19 while doing business with or while employed by the essential business. It does not provide immunity if the injuries or death were caused by an act or omission of the essential business or emergency response entity constituting gross negligence, reckless misconduct, or intentional infliction of harm	05/04 – signed by governor, effective immediately Retroactive to 03/27
Nevada <a href="#">SB 4 / Ch. 8</a>	<b>No</b>	The law provides immunity from civil liability for an entity (includes business, government, and nonprofits) where a plaintiff alleges a personal injury or death as a result of exposure to COVID-19 while one a premises owned or operated by an entity or during an activity conducted or managed by an entity if the entity was in substantial compliance with controlling health standards. It does not provide immunity if the plaintiff can prove gross negligence or non-compliance with health standards.	08/11 – signed by governor, effective immediately until the end of the state of emergency or 07/01/23, whichever is later
Ohio <a href="#">HB 606</a>	<b>No</b>	The law, among other things, provides that there is no civil liability for damages for injury, death or loss to a person when the cause of action is based on exposure or transmission of COVID-19 unless the plaintiff demonstrates the damage was caused by the defendant’s reckless conduct, intentional misconduct, or will or wonton misconduct. Even if an individual demonstrates the damage was caused by one of these reasons, a class action claim is prohibited. This civil immunity applies from 03/09/20 to 09/30/21.	09/02 – House and Senate conference report agreed to, effective 12/16
Oklahoma <a href="#">SB 1946</a>	<b>No</b>	The law states that no person (includes individuals and businesses) may be held liable in a civil action claiming an injury from exposure or potential exposure to COVID-19. It does not provide immunity if the act or omission alleged to violate a duty of care of the person or agent was in compliance or consistent with federal or state regulations, a Presidential or Gubernatorial Executive Order, or guidance applicable at the time of the alleged exposure.	05/21 – approved by governor, effective immediately

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Tennessee <a href="#">SB 8002 / Ch. 1</a>	<b>No</b>	<p>The law states that an individual or legal entity will not be liable for loss, damage, injury, or death that arises from COVID-19.</p> <p>It does not provide immunity if the claimant proves by clear and convincing evidence that the person caused the injury by an act or omission constituting gross negligence or willful misconduct.</p>	
Utah <a href="#">SB 3007</a>	<b>No</b>	<p>The law provides a person (to include businesses) immunity from civil liability for damages or an injury resulting from exposure of an individual to COVID-19 on the premises owned or operated by the person, or during an activity managed by the person.</p> <p>It does not provide immunity in cases of willful misconduct or reckless or intentional infliction of harm.</p>	05/04 – signed by governor, effective immediately

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## Pending

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Illinois <a href="#">SB 3989</a>	<b>No</b>	This bill would exempt businesses and individuals from liability for any civil damages for any acts or omissions that result in the transmission of COVID-19, retroactive to 01/01/20. It does not exempt damages occasioned by willful or wanton misconduct.	06/24 – referred to Senate Assignments Committee
Massachusetts <a href="#">HD 5163</a>	<b>No</b> <b>Essential Businesses Only</b>	This bill would grant immunity for essential businesses against suit and civil liability for any damages alleged to have been sustained as a result of alleged exposure to COVID-19 on the premises of such essential business or due to the operations of such essential business, provided that the business is providing its services in good faith. It would not provide immunity for damages that were caused by an act or omission constituting gross negligence or recklessness or conduct with an intent to harm or to discriminate based on race, ethnicity, national origin, religion, disability, sexual orientation or gender identity by the essential business. The bill would use the definition of essential services in <a href="#">Governor's Order No. 13</a> , which includes financial services.	07/16 – referred to House Rules Committee
New York <a href="#">AB 10838</a> / <a href="#">SB 8587</a>	<b>Yes</b>	This bill would deem all agreements that would exempt employers from liability for injuries or death related to COVID-19 to be void and unenforceable.	SB 10838: 07/20 – referred to Assembly Judiciary Committee SB 8587: 07/20 – committed to Senate Rules Committee
Pennsylvania <a href="#">HB 2639</a>	<b>No</b>	This bill would exempt an employer acting in good faith from civil liability for any cause of action out of the COVID-19 status of an employee.	06/29 – referred to House Judiciary Committee
Pennsylvania <a href="#">SB 1239</a>	<b>No</b>	This bill would exempt a person providing business services from civil liability for damages or personal injury resulting from an actual or alleged exposure while on the premises. It does not exempt instances where there is clear and convincing evidence of gross negligence, recklessness, willful misconduct, or intentional infliction of harm.	07/27 – referred to Senate Judiciary Committee

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Virginia <a href="#">HB 5074</a>	<b>No</b>	<p>This bill would exempt a person from civil cause of action arising from any act or omission alleged to have resulted in the contraction of or exposure to the COVID-19 virus, provided such person has complied with applicable federal, state, and local policies, procedures, and guidance regarding COVID-19.</p> <p>It does not exempt cases of gross negligence or willful misconduct.</p> <p>This bill incorporated similar bills <a href="#">HB 5019</a>, <a href="#">HB 5037</a>, <a href="#">HB 5040</a>, and <a href="#">HB 5110</a> on 08/26.</p>	09/02 – referred to House Courts of Justice

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## Failed

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Alabama <a href="#">SB 330</a> Failed	<b>No</b>	This bill would deem a “covered entity” (includes businesses) not liable for any damages, injury, or death suffered by a person as a result of, or in connection with, a health emergency claim that results from any act or omission of the covered entity.	05/18 – failed sine die
Arizona <a href="#">HB 2912</a> Failed	<b>No</b>	This bill would deem that a business is not liable to a person who contracts COVID-19 during the state of emergency unless they acted with gross negligence.	05/26 – failed sine die
California <a href="#">AB 1035</a> Failed	<b>No</b>	This bill would exempt a small business with less than 25 employees from liability for an injury or illness to a person due to COVID-19 if the business has implemented and abided by all applicable state and local health laws, regulations, and protocols.	06/25 – amended and re-referred to Senate Judiciary Committee Failed Sine die
Kansas <a href="#">HB 2244</a> Failed	<b>No</b>	This bill would exempt a person who conducts business or owner of a building from liability for a claim for damages, losses, indemnification, or other relief as a result to exposure or potential exposure to COVID-19.	06/01 – died on Senate general orders
Kansas <a href="#">SB 7</a> Failed		This bill would exempt a person who conducts business from liability for a claim for damages, losses, indemnification, or other relief as a result to exposure or potential exposure to COVID-19	06/04 – died in committee

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