

COVID-19 Liability Protections

State	Source	Scope	Shields	Exceptions	Duration
Alabama	Governor's Proclamation (May 8, 2020)	All businesses	<ul style="list-style-type: none"> • <u>Liability Shield</u>: businesses are not liable for death, property damage, or personal injuries re: transmitting or responding to COVID-19 • <u>Damages Shield</u>: when an exception to the general liability shield applies, plaintiffs cannot recover non-economic damages or punitive damages • <u>Heightened Standard</u>: for cases accruing before the proclamation where courts don't apply the liability shield, plaintiffs must prove that businesses did not reasonably attempt to comply with applicable COVID-19 public health guidance • <u>Limited Damages</u>: for cases accruing before the proclamation where courts don't apply the liability shield, plaintiffs cannot recover mental anguish, emotional distress, or punitive damages 	<ul style="list-style-type: none"> • Exception to liability shield: wanton, reckless, willful, or intentional misconduct, workers' compensation claims • Exception to damages shield: wrongful death claimants may recover punitive damages • Exception to heightened standard: wanton, willful, or intentional misconduct • Exception to limited damages: wrongful death claimants may recover punitive damages 	March 13th - EM End
Arkansas	Executive Order No. 20-23	All businesses	<ul style="list-style-type: none"> • <u>Liability Shield</u>: businesses are not liable for damages or injuries re: exposure to COVID-19 on premises they own or operate • <u>Affirmative Defense</u>: a good faith effort to comply with substantial compliance with health and safety guidelines creates a presumption that the exception does not apply 	<ul style="list-style-type: none"> • Exception to liability shield: willful, reckless, or intentional misconduct, workers' compensation claims 	June 15th - EM End
Georgia	COVID-19 Pandemic Business Safety Act	All businesses	<ul style="list-style-type: none"> • <u>Liability Shield</u>: businesses are not liable for transmitting, infecting, exposing or potentially exposing others to COVID-19 • <u>Assumption of Risk</u>: posting signage in the format and with the text suggested by statute either on receipts or at entrances creates a rebuttable assumption of the risk 	<ul style="list-style-type: none"> • Exception for liability shield: gross negligence, willful and wanton misconduct, reckless infliction of harm, intentional infliction of harm; criminal liability, and workers' compensation claims 	Aug 4th - July 21, 2021

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Kansas	COVID-19 Response and Reopening for Business Liability Act	All businesses	<ul style="list-style-type: none"> • <u>Liability Shield</u>: businesses are immune from civil liability for claims arising out of or based on exposure or potential exposure to COVID-19 	<ul style="list-style-type: none"> • Exceptions for liability shield: not acting in substantial compliance with applicable public health directives; workers' compensation claims 	March 12th - EM End
Idaho	Coronavirus Limited Immunity Act	All businesses	<ul style="list-style-type: none"> • <u>Liability Shield</u>: businesses are immune from civil liability for damages or injuries resulting from exposure to the coronavirus 	<ul style="list-style-type: none"> • Exceptions for intentional, willful, or reckless misconduct; workers' compensation claims 	August 26th - July 1, 2021
Iowa	COVID-19 Response and Back-to-Business Limited Liability Act	All businesses	<ul style="list-style-type: none"> • <u>Heightened Standard</u>: plaintiffs may only bring civil actions for exposure or potential exposure to COVID-19 in cases involving (i) inpatient hospitalization or death for COVID-19; (ii) intentionally causing harm; or (ii) actual malice • <u>Liability Shield</u>: premises owner, tenant, or occupant is not liable for civil damages for injuries re: exposure to COVID-19 • <u>Affirmative Defense</u>: substantial compliance or otherwise consistent with COVID-19 guidance 	<ul style="list-style-type: none"> • Exceptions for liability shield, premises: disregarding a substantial and unnecessary risk, actual malice, intentional exposure; workers' compensation claims 	January 1st - No End Date

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Louisiana	Untitled Limitation of Liability for COVID-19	All businesses	<ul style="list-style-type: none"> • <u>Liability Shield</u>: businesses are immune from civil liability for claims resulting from actual or alleged exposure to COVID-19, and for using or dispensing PPE resulting from such use or dispensation • <u>Liability Shield, Employees</u>: employees cannot recover in tort for workplace exposure if there is not a compensable injury • <u>Workers' Compensation Exclusivity Bar</u>: employees cannot recover in tort for workplace exposure to COVID-19 if that exposure is a compensable injury 	<ul style="list-style-type: none"> • Exceptions to liability shield: not substantially complying with COVID-19 procedures and grossly negligent, wanton, or reckless; workers' compensation • Exceptions to liability shield, employees: intentional exposure; workers' compensation • Exceptions to workers' compensation exclusivity bar: intentional exposure 	March 11 - No End Date (PPE = End of EM)
Mississippi	Back-to-Business Liability Assurance Act	All businesses	<ul style="list-style-type: none"> • <u>Liability Shield</u>: businesses are immune from civil liability for claims re actual or potential COVID-19 exposure provided (i) there was no public health guidance to follow; or (ii) they made a good faith attempt to follow public health guidance 	<ul style="list-style-type: none"> • Exceptions to liability shield: malice, willful misconduct, actual misconduct; workers' compensation 	March 14 - One Year After End of EM
Nevada	Untitled Limitation of Liability for COVID-19	All businesses	<ul style="list-style-type: none"> • <u>Heightened Pleading Standard/BOP</u>: plaintiff in civil cases alleging injury or death resulting from COVID-19 exposure must file a complaint pled with particularity and must prove lack of substantial compliance - meaning lack of good faith effort, and does not include isolated or unforeseen circumstances - and must make that determination as a matter of law • <u>Liability Shield</u>: businesses are immune from civil liability for injury or death resulting from COVID-19 exposure provided they substantially complied with controlling health standards 	<ul style="list-style-type: none"> • Exceptions to liability shield: violated controlling health standards, did so with gross negligence, and gross negligence was proximate cause of injury 	August 11 - Later of One Year After End of EM or July 1, 2023

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North Carolina	Untitled Limitation of Liability for COVID-19	All businesses	<ul style="list-style-type: none"> • <u>Liability Shield</u>: businesses are immune from civil liability for claims re: actual or potential COVID-19 exposure • <u>Liability Shield, Notice</u>: businesses posting required notice regarding mitigation measures are immune from civil liability for anyone’s failure to follow/comply with those rules 	<ul style="list-style-type: none"> • Exceptions to liability shields: gross negligence, willful or wanton conduct, or intentional wrongdoing; workers’ compensation 	July 2 - 180 Days After End of EM
Oklahoma	Untitled Limitation of Liability for COVID-19	All businesses	<ul style="list-style-type: none"> • <u>Liability Shield</u>: businesses are immune from civil liability for claims re: actual or potential COVID-19 exposure provided they complied with public health guidance 	<ul style="list-style-type: none"> • Exceptions to liability shield: not complying 	May 21 - No End Date
Tennessee	Untitled Limitation of Liability for COVID-19	All businesses	<ul style="list-style-type: none"> • <u>Heightened Pleading Standard/BOP</u>: plaintiff in civil cases alleging loss, damage, injury or death resulting from COVID-19 must (i) file a verified complaint pled with particularity; and (ii) file a statement from a physician (TN or bordering state) stating that claim was caused by defendant(s) • <u>Liability Shield</u>: businesses are immune from civil liability for loss, damage, injury or death resulting from COVID-19 exposure • 	<ul style="list-style-type: none"> • Exceptions: gross negligence, willful misconduct; workers’ compensation 	All claims arising from COVID-19 - July 1, 2022
Utah	Untitled Limitation of Liability for COVID-19	All businesses	<ul style="list-style-type: none"> • <u>Liability Shield</u>: businesses are immune from civil liability for damages or injuries resulting from COVID-19 on premises they operate/own or activity they manage 	<ul style="list-style-type: none"> • Exceptions: willful misconduct, reckless infliction of harm, intentional infliction of harm; workers’ compensation; state OSHA 	May 4, 2020 - No End Date

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Wyoming	Immunity from Liability	All businesses	<ul style="list-style-type: none">• <u>Liability Shield</u>: businesses are immune “arising from complying with [COVID-19 public health guidance] or acting in good faith”	<ul style="list-style-type: none">• Exceptions: gross negligence, willful or wanton misconduct	During public health emergency