

ASSEMBLY, No. 4279

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 18, 2020

Sponsored by:

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

Assemblywoman CLEOPATRA G. TUCKER

District 28 (Essex)

SYNOPSIS

Provides immunity for manufacturers of personal protective equipment for injury or death alleged to have been sustained as result of act or omission in course of manufacturing or distributing PPE in support of State's response to outbreak of coronavirus disease during public health emergency and state of emergency declared by Governor.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/29/2020)

1 AN ACT concerning immunity for manufacturers of personal
2 protective equipment.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. a. As used in this act, “personal protective equipment”
8 means protective clothing, helmets, gloves, face shields, goggles,
9 face masks, respirators, and other equipment designed to protect the
10 wearer from injury or the spread of infection or illness.

11 b. Notwithstanding the provisions of any law, rule, or
12 regulation to the contrary, a manufacturer of personal protective
13 equipment (“PPE”) shall not be liable for civil damages for injury
14 or death alleged to have been sustained as a result of an act or
15 omission by the manufacturer in the course of manufacturing or
16 distributing PPE in support of the State’s response to the outbreak
17 of coronavirus disease during the public health emergency or state
18 of emergency declared by the Governor in Executive Order 103 of
19 2020. The immunity granted pursuant to this section shall not apply
20 to acts or omissions constituting a crime, actual fraud, actual
21 malice, gross negligence, recklessness, or willful misconduct.

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23 2. This act shall take effect immediately and shall be
24 retroactive to March 9, 2020.

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27 STATEMENT

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29 This bill provides certain immunities for manufacturers of
30 personal protective equipment (“PPE”). Under the bill,
31 manufacturers would not be liable for civil damages for injury or
32 death alleged to have been sustained as a result of an act or
33 omission by the manufacturer in the course of manufacturing or
34 distributing PPE in support of the State’s response to the outbreak
35 of coronavirus disease during the public health emergency or state
36 of emergency declared by the Governor in Executive Order 103 of
37 2020, issued on March 9, 2020. The immunity granted under the bill
38 would not apply to acts or omissions constituting a crime, actual
39 fraud, actual malice, gross negligence, recklessness, or willful
40 misconduct.

41 The bill defines “personal protective equipment” as protective
42 clothing, helmets, gloves, face shields, goggles, face masks,
43 respirators, and other equipment designed to protect the wearer
44 from injury or the spread of infection or illness.

45 The bill would take effect immediately and would be retroactive
46 to March 9, 2020, the date the Governor issued Executive Order
47 103 of 2020.