

ASSEMBLY, No. 4377

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JULY 2, 2020

Sponsored by:

Assemblyman ROY FREIMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblywoman YVONNE LOPEZ

District 19 (Middlesex)

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

Co-Sponsored by:

Assemblyman Dancer, Assemblywoman Reynolds-Jackson, Assemblyman

DePhillips, Assemblywoman DiMaso, Assemblyman Mukherji,

Assemblywoman Pinkin, Assemblyman Mazzeo, Assemblywoman

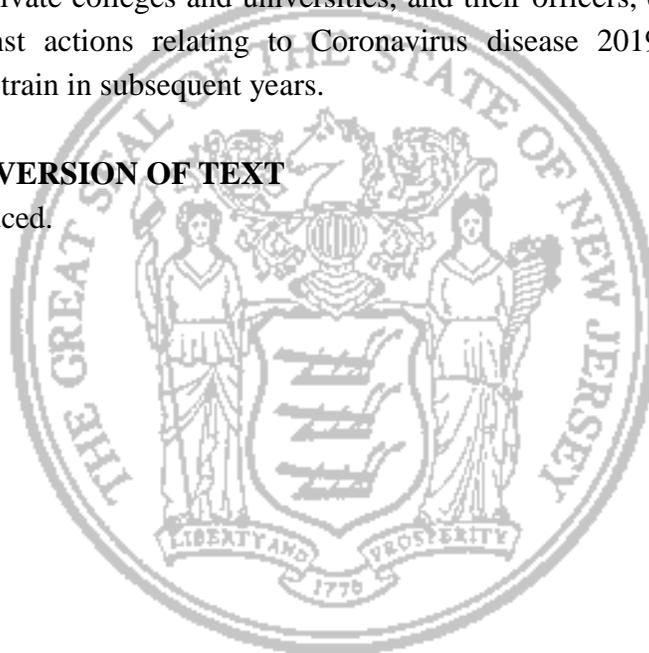
Stanfield, Assemblymen Peters and Johnson

SYNOPSIS

Establishes general immunity for businesses, including non-profits, and public and private colleges and universities, and their officers, employees, and agents, against actions relating to Coronavirus disease 2019 pandemic or related viral strain in subsequent years.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/14/2020)

1 AN ACT establishing general immunity for certain persons and
2 entities against legal actions relating to the Coronavirus disease
3 2019 pandemic, or related viral strain to pandemic's virus in
4 subsequent years, and supplementing Title 2A of the New Jersey
5 Statutes.

6
7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:

9
10 1. a. As used in this section, "business" means any non-
11 governmental, for-profit or non-profit corporation, company,
12 partnership, firm, sole proprietorship, society, association, business
13 trust, or other form of business organization or entity.

14 Notwithstanding any provisions of law to the contrary, a
15 business, and its trustees, directors, officers, employees, agents,
16 servants, and volunteers, which in good faith comply with or exceed
17 all applicable public and personal health and safety measures to
18 prevent or mitigate a person's exposure to the virus SARS-CoV-2
19 or the disease caused by the virus, Coronavirus disease 2019, also
20 referred to as COVID-19, or a related viral strain to that virus or a
21 disease caused by the related viral strain in subsequent years, which
22 measures are based on guidance, regulations, rules, and
23 administrative orders promulgated by the federal Centers for
24 Disease Control and Prevention, the federal Occupational Safety
25 and Health Administration, the State Departments of Health,
26 Human Services, and Labor and Workforce Development, or any
27 other federal, State or local department, division, commission,
28 board, bureau, agency, or official, as well as applicable Executive
29 Orders or portions of those orders issued by the Governor, shall not
30 be liable in any civil action, or subject to any administrative
31 proceeding concerning professional disciplinary action, or
32 suspension, revocation, refusal to issue or refusal to renew any
33 license, certification, certificate, or permit, as applicable, for any act
34 of commission or omission resulting in damages arising from a
35 person's exposure to SARS-CoV-2, a related viral strain, or disease
36 caused by either one.

37 b. (1) The immunity provided to a business, and its trustees,
38 directors, officers, employees, agents, servants, and volunteers by
39 this section applies in addition to any other available immunity, and
40 applies whether the exposure to SARS-CoV-2, a related viral strain,
41 or disease caused by either one, occurred because the person was
42 required to be on the business's property, or entered or remained on
43 the property by express or implied invitation or permission, or
44 exposure occurred at some other place in the course of conducting
45 business, providing services, or doing volunteer work on behalf of
46 the business as authorized by it.

47 (2) Nothing in this section shall be deemed to:

1 (a) grant immunity to any business or person causing damage by
2 a willful, wanton, or grossly negligent act of commission or
3 omission; or

4 (b) affect a worker' compensation claim or award pursuant to
5 any applicable State or federal law.

6
7 2. a. Notwithstanding any provisions of law to the contrary,
8 any public or private institution of higher education, and its
9 trustees, directors, officers, administrators, employees, agents,
10 servants, and volunteers, which in good faith comply with or exceed
11 all applicable public and personal health and safety measures to
12 prevent or mitigate a person's exposure to the virus SARS-CoV-2
13 or the disease caused by the virus, Coronavirus disease 2019, also
14 referred to as COVID-19, or a related viral strain to that virus or a
15 disease caused by the related viral strain in subsequent years, which
16 measures are based on guidance, regulations, rules, and
17 administrative orders promulgated by the federal Centers for
18 Disease Control and Prevention, the federal Occupational Safety
19 and Health Administration, the State Departments of Health,
20 Human Services, and Labor and Workforce Development, the
21 Secretary of Higher Education, or any other federal, State or local
22 department, division, commission, board, bureau, agency, or
23 official, as well as applicable Executive Orders or portions of those
24 orders issued by the Governor, shall not be liable in any civil
25 action, or subject to any administrative proceeding concerning
26 professional disciplinary action, or suspension, revocation, refusal
27 to issue or refusal to renew any license, certification, certificate, or
28 permit, as applicable, for any act of commission or omission
29 resulting in damages arising from a person's exposure to SARS-
30 CoV-2, a related viral strain, or disease caused by either one.

31 b. (1) The immunity provided to a public or private institution
32 of higher education, and its trustees, directors, officers,
33 administrators, employees, agents, servants, and volunteers by this
34 section applies in addition to any other available immunity, and
35 applies whether the exposure to SARS-CoV-2, a related viral strain,
36 or disease caused by either one, occurred because the person was
37 required to be on the campus or other property of the institution of
38 higher education, or entered or remained on the campus or other
39 property by express or implied invitation or permission, or exposure
40 occurred at some other place in the course of conducting activities
41 and operations, providing services, or doing volunteer work on
42 behalf of the business as authorized by it.

43 (2) Nothing in this section shall be deemed to:

44 (a) grant immunity to any public or private institution of higher
45 education or person causing damage by a willful, wanton, or grossly
46 negligent act of commission or omission; or

47 (b) affect a worker' compensation claim or award pursuant to
48 any applicable State or federal law.

