ASSEMBLY, No. 4388

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JULY 6, 2020

Sponsored by:
Assemblyman VINCENT MAZZEO
District 2 (Atlantic)
Assemblyman RONALD S. DANCER
District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS
Establishes immunity for businesses against damage claims for COVID-19 exposure; excludes willful, reckless or intentional conduct; excludes businesses that fail to adhere to safety guidelines.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning COVID-19-related business immunity and 
supplementing chapter 53A of Title 2A of the New Jersey
Statutes.

BE IT ENacted by the Senate and General Assembly of the State
of New Jersey:

1. This act shall be known and may be cited as the “New Jersey
COVID-19 related Business Immunity Act.”

2. As used in this section:
   “COVID-19” means the respiratory disease caused by the SARS-
   CoV-2 virus.
   “Employer” includes any individual, partnership, association,
corporation, business trust, legal representative or any organized
group of persons acting directly or indirectly in the interest of an
employer in its relations to employees.
   “Premises” means real property and any appurtenant buildings or
structure.

3. a. Subject to the provisions of subsections c. and d. of this
   section, an employer is immune from civil liability for damages for
   injury resulting from exposure of an individual to COVID-19 on the
   premises owned or operated by the employer, or during activity
   managed by the employer.
   b. The immunity in this section is in addition to any other
   immunity protections that may apply in State or federal law.
   c. Immunity as described in this section shall not apply to:
      (1) willful misconduct;
      (2) reckless infliction of harm; or
      (3) intentional infliction of harm.
   d. The immunity established in this section shall not be
   applicable where a business fails to maintain documented proof of
   adherence to public health guidelines including Executive Orders,
   guidelines from the New Jersey Department of Health and other
   State agencies, and guidelines from the Centers for Disease Control
   and Prevention (CDC) and other federal agencies.

4. This act shall take effect immediately.

STATEMENT

This bill provides immunity to businesses against claims for
damage to individuals arising out of exposure to the COVID-19 at
premises owned or operated by the employer, or during activity
managed by the employer. The immunity provided in the bill is in
addition to any other immunity protections under state or federal
law. The immunity provided in this bill shall not apply to willful misconduct, reckless infliction of harm or the intentional infliction of harm. In addition the immunity established in this act shall not be applicable where a business fails to maintain documented proof of adherence to public health guidelines including Executive Orders, guidelines from the New Jersey Department of Health and other State agencies, and guidelines from the Centers for Disease Control and Prevention (CDC) and other federal agencies.

Under the bill “employer” includes any individual, partnership, association, corporation, business trust, legal representative or any organized group of persons acting directly or indirectly in the interest of an employer in its relations to employees.