

ASSEMBLY, No. 5859

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 9, 2021

Sponsored by:

**Assemblywoman SERENA DIMASO
District 13 (Monmouth)**

Co-Sponsored by:

Assemblymen McGuckin and Catalano

SYNOPSIS

Establishes immunity relating to COVID-19 spread at swimming pools in planned real estate developments.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing immunity relating to COVID-19 spread at
2 swimming pools in planned real estate developments and
3 supplementing Title 2A of the New Jersey Statutes.

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

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8 1. a. Any illness, injury, death, or other damages arising from,
9 or related to, an exposure to, or transmission of, COVID-19 on the
10 premises of a swimming pool of a planned real estate development
11 shall not give rise to any legal cause of action in the Superior Court
12 of New Jersey.

13 b. The immunity provided pursuant to subsection a. of this
14 section shall not apply to acts or omissions constituting a crime,
15 actual fraud, actual malice, gross negligence, recklessness, or
16 willful misconduct.

17 c. As used in this section:

18 “COVID-19” means the coronavirus disease 2019, as announced
19 by the World Health Organization on February 11, 2020, and first
20 identified in Wuhan, China.

21 “Planned real estate development” means the same as that term is
22 defined in section 3 of P.L.1977, c.419 (C.45:22A-23).

23 “Premises of a swimming pool” means a swimming pool, hot
24 tub, or spa within a common area of a planned real estate
25 development, including any adjacent patio, restroom, locker room,
26 playground, and other areas in the vicinity of the swimming pool,
27 hot tub, or spa meant to be frequented in conjunction with the
28 swimming pool, hot tub, or spa.

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30 2. This act shall take effect immediately.

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33 STATEMENT

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35 This bill would prohibit any causes of action for damages arising
36 from a COVID-19 exposure or transmission on the premises of a
37 swimming pool of a planned real estate development. This
38 immunity would not apply to acts or omissions constituting a crime,
39 actual fraud, actual malice, gross negligence, recklessness, or
40 willful misconduct. As used in the bill, the “premises of a
41 swimming pool” would encompass any swimming pool, hot tub, or
42 spa within a common area of a planned real estate development,
43 including any adjacent patio, restroom, locker room, playground,
44 and other areas in the vicinity of the swimming pool, hot tub, or spa
45 meant to be frequented in conjunction with the swimming pool, hot
46 tub, or spa.