

SENATE, No. 2502

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 4, 2020

Sponsored by:

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

Senator DECLAN J. O'SCANLON, JR.

District 13 (Monmouth)

Co-Sponsored by:

Senators Connors and Cardinale

SYNOPSIS

Establishes immunity for businesses against damage claims for COVID-19 exposure; excludes reckless or intentional conduct.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/19/2020)

1 AN ACT concerning COVID-19-related business immunity and
2 supplementing chapter 53A of Title 2A of the New Jersey
3 Statutes.

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

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

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11 2. As used in this section:

12 “COVID-19” means the respiratory disease caused by the SARS-
13 CoV-2 virus.

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

18 “Premises” means real property and any appurtenant buildings or
19 structure.

20
21 3. a. Subject to the provisions of subsection c. of this section,
22 an employer is immune from civil liability for damages or injury
23 resulting from exposure of an individual to COVID-19 on the
24 premises owned or operated by the employer, or during activity
25 managed by the employer.

26 b. The immunity in this section is in addition to any other
27 immunity protections that may apply in state or federal law.

28 c. Immunity as described in this section shall not apply to:

- 29 (1) willful misconduct;
30 (2) reckless infliction of harm; or
31 (3) intentional infliction of harm.

32
33 4. This act shall take effect immediately.

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36 STATEMENT

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38 This bill provides immunity to businesses against claims for
39 damage to individuals arising out of exposure to the COVID-19 at
40 premises owned or operated by the employer, or during activity
41 managed by the employer. The immunity provided in the bill is in
42 addition to any other immunity protections under state or federal
43 law. The immunity provided in this bill shall not apply to willful
44 misconduct, reckless infliction of harm or the intentional infliction
45 of harm.

46 Under the bill “employer” includes any individual, partnership,
47 association, corporation, business trust, legal representative or any

1 organized group of persons acting directly or indirectly in the
2 interest of an employer in its relations to employees.

3 It is the sponsor's view that establishing immunity for businesses
4 against claims for damage to individuals arising out of exposure to
5 COVID-19 will aid in restoring strength and vitality to the
6 economy, a key objective, by removing the risk of costly actions for
7 damage arising from exposure to the virus. With that view in mind,
8 the immunity of the bill extends to include employees and patrons
9 of businesses, except where reckless or intentional conduct is
10 involved.