

SENATE, No. 2628

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 29, 2020

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Senator ANTHONY M. BUCCO

District 25 (Morris and Somerset)

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: 8/27/2020)

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.

1 3. This act shall take effect immediately, and apply
2 retroactively to the date that the Public Health Emergency and State
3 of Emergency was declared by the Governor in Executive Order
4 103 of 2020 concerning the coronavirus disease 2019 pandemic.

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7 STATEMENT

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9 This bill would establish general immunity for business entities,
10 including non-profits, and institutions of higher education, and their
11 officers, employees, agents, and volunteers against actions relating
12 to a person's exposure to the virus SARS-CoV-2 or the disease
13 caused by the virus, Coronavirus disease 2019, also referred to as
14 COVID-19, or a related viral strain to that virus or a disease caused
15 by the related viral strain in subsequent years. The immunity would
16 be based on good faith compliance with or exceeding all applicable
17 public and personal health and safety measures to prevent or
18 mitigate a person's exposure to SARS-CoV-2, a related viral strain,
19 or disease caused by either one, which measures are based on
20 guidance, regulations, rules, and administrative orders promulgated
21 by federal, State or local departments, divisions, commissions,
22 boards, bureaus, agencies, or officials, as well as applicable
23 Executive Orders or portions of those orders issued by the
24 Governor. The immunity would bar civil lawsuits, and any
25 administrative proceedings concerning professional disciplinary
26 action, or suspension, revocation, refusal to issue or refusal to
27 renew any license, certification, certificate, or permit, as applicable.

28 The immunity provided by the bill would apply in addition to
29 any other available immunity, and would apply whether the
30 exposure to SARS-CoV-2, a related viral strain, or disease caused
31 by either one, occurred because a person was required to be on a
32 business' property, or the campus or other property of an institution
33 of higher education, or entered or remained on the property or
34 campus by express or implied invitation or permission, or the
35 exposure occurred at some other place in the course of conducting
36 business, activities and operations, providing services, or doing
37 volunteer work on behalf of a business or institution of higher
38 education as authorized by it. However, nothing in the bill would
39 be deemed to grant immunity for an entity's or person's willful,
40 wanton, or grossly negligent act of commission or omission.
41 Additionally, the bill would not affect a worker' compensation
42 claim or award pursuant to any applicable State or federal law.

43 The bill would take effect immediately, and apply retroactively
44 to March 9, 2020, the date the Public Health Emergency and State
45 of Emergency was declared by the Governor's Executive Order 103
46 of 2020 concerning the coronavirus disease 2019 pandemic.