

2020 SPECIAL SESSION I

INTRODUCED

20200543D

HOUSE BILL NO. 5074

Offered August 18, 2020

Prefiled August 18, 2020

A *BILL to provide immunity from civil claims related to the transmission of or exposure to the COVID-19 virus; emergency.*

Patrons—Sullivan, Willett, Adams, D.M. and Sickles

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. § 1. A. *For the purposes of this act, unless the context requires otherwise:*

"Person" includes (i) individuals, corporations, nonprofit corporations, business trusts, estates, trusts, partnerships, limited liability companies, sole proprietorships, associations, and joint ventures; (ii) the Commonwealth or any locality, or any agent thereof, or any person acting on behalf of the Commonwealth or any locality; and (iii) any other legal or commercial entity.

B. *In the absence of gross negligence or willful misconduct, no person shall be liable for any civil cause of action arising from any act or omission alleged to have resulted in the contraction of or exposure to the COVID-19 virus, provided such person has complied with applicable and the most recent federal, state, and local laws, policies, procedures, and guidance regarding COVID-19.*

C. *Every person shall provide, with respect to any premises owned by the person or under the person's possession, custody, or control, reasonable notice of actions taken by the person for the purpose of reducing the risk of transmission of COVID-19 to individuals present on the premises. No person shall be liable for the failure of any individual not under the control of such person to comply with rules, policies, or guidelines contained in the notice required by this subsection. This subsection shall not apply to premises owned by an individual, other than premises that are used in the operation of a sole proprietorship.*

D. *The provisions of this act shall not limit or abrogate any other defenses or immunities available at law.*

E. *The provisions of this act shall not apply to claims before the Virginia Workers' Compensation Commission seeking benefits payable under the Virginia Workers' Compensation Act (§ 65.2-100 et seq.).*

2. **That an emergency exists and this act is in force from its passage.**

3. **That the provisions of this act shall apply to claims arising no later than 180 days after the expiration or revocation of all states of emergency declared by the Governor related to the COVID-19 pandemic.**

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