

2020 SPECIAL SESSION I

SENATE SUBSTITUTE

20201050D

SENATE BILL NO. 5098

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary
on August 26, 2020)

(Patron Prior to Substitute—Senator Vogel)

A *BILL to provide immunity from civil claims related to the design, manufacture, labeling, or distribution of personal protective equipment in response to COVID-19; emergency.*

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, political subdivisions of the Commonwealth, or any locality, or any agent thereof, or any person acting on behalf of the Commonwealth, political subdivisions of the Commonwealth, or any locality; and (iii) any other legal or commercial entity.

"Personal protective equipment" means equipment worn to minimize exposure to the COVID-19 virus and includes gloves, masks, N-95 respirators, eye protection, gowns, aprons, boots or closed-toe work shoes, cleaning detergents, hand sanitizers, and cleaning products.

B. *In the absence of gross negligence or willful misconduct, no person who designs, manufactures, labels, or distributes any personal protective equipment in response to the COVID-19 virus shall be liable for any civil cause of action arising out of the use of such equipment.*

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

D. *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. of the Code of Virginia).*

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

3. **That the provisions of this act shall expire two years after the expiration or revocation of all states of emergency declared by the Governor related to the COVID-19 pandemic.**

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