

Department of Planning and Budget
2020 Special Session I - Fiscal Impact Statement

1. Bill Number: HB5037

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Miyares

3. Committee: Courts of Justice

4. Title: Immunity from civil claims related to the transmission of or exposure to the COVID-19 virus.

5. Summary: The provisions of this bill grant immunity, in the absence of gross negligence or willful misconduct, to persons from civil causes 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 federal, state, and local policies, procedures, and guidance regarding COVID-19. The bill also grants immunity to persons who design, manufacture, label, or distributes any personal protective equipment in response to the COVID-19 virus from any civil cause of action arising out of the use of such equipment.

The bill defines persons as (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.

The bill defines personal protective equipment as equipment worn to minimize exposure to the COVID-19 virus and includes gloves, medical masks, N-95 respirators, eye protection, gowns, aprons, boots or closed-toe work shoes, cleaning detergents, hand sanitizers, and cleaning products.

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

The bill contains an emergency clause that makes the law effective from the date of its passage. Another enactment clause provides that the law expires two years after the expiration or revocation of all states of emergency declared by the Governor related to the COVID-19 pandemic.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

8. Fiscal Implications: This bill is not expected to have a fiscal impact on state agencies.

9. Specific Agency or Political Subdivisions Affected: Treasury (Risk Management), Virginia Workers' Compensation Commission, and localities.

10. Technical Amendment Necessary: No

11. Other Comments: None