

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

1. Bill Number: HB5074 H2

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Sullivan

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 the substitute bill grant immunity to any person, in the absence of gross negligence or willful misconduct, from 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 that such person has complied with applicable federal, state, and local policies, procedures, and guidance regarding COVID-19. The substitute bill also provides immunity, in the absence of gross negligence or willful misconduct, to any person who designs, manufactures, labels, 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 substitute bill defines person 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 substitute 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 substitute 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 provisions of this act expire 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, localities
- 10. Technical Amendment Necessary:** No
- 11. Other Comments:** None