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SENATE BILL NO. 5067

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Petersen
on September 2, 2020)

(Patron Prior to Substitute—Senator Saslaw)

A *BILL to provide immunity from civil claims related to the transmission of or exposure to the COVID-19 virus; 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" has the meaning prescribed in § 1-230 of the Code of Virginia.

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 by an invitee, provided that the person claiming such limited immunity has made a good faith effort to comply with all binding laws and regulations regarding COVID-19 at the time the cause of action accrued and at the location where the cause of action accrued.*

C. *The provisions of this act shall constitute an affirmative defense and they 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) or to any appeals of such claims that must be subsequently adjudicated in a court. The provisions of this action shall not preclude in any way the jurisdiction of any administrative agency of the Commonwealth or its subdivisions charged with enforcing laws and regulations related to occupational or public safety, including those regulations promulgated under the COVID-19 Emergency Temporary Standard, 16VAC25-220, adopted by the Safety and Health Codes Board on July 15, 2020.*

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.