

COMPLIANCE BULLETIN

Immunity from Civil Liability for Coronavirus Exposure

Federal Coronavirus-related laws, including the Families First Coronavirus Response Act and the Coronavirus Aid, Relief and Economic Security Act, have included specific and limited liability provisions to encourage active participation of the medical industry in the fight against COVID-19 without fear of legal repercussions.

For the most part, this limited immunity has provided some protection to:

- Healthcare workers in the event that they have to turn patients away;
- Manufacturers of some respiratory masks, to allow them to provide an ample supply of masks for healthcare workers and patients without fear of legal backlash should any of those masks fail; and
- Volunteer healthcare professionals (the provisions offer patient protection in cases of gross negligence or criminal misconduct).

As local economies begin to reopen, some states have also adopted laws that offer immunity from COVID-19-related injuries, damages and exposure. However, these state limited immunity laws have a wider application that often extends to businesses and individuals. Please review the chart on the next page for an overview of recent state-level COVID-19 immunity laws.

Action Steps

The immunity available under these state laws is often limited and applies only if specific criteria are met. Employers should review the chart below and become familiar with the conditions and scope of the immunity afforded to them by any applicable state laws.

Provided to you by **Sterling Insurance Group**

Highlights

Early Federal Immunity

In the early stages of federal response to the pandemic, limited immunity was made available to health care workers, manufacturers and distributors of medical equipment.

Limited Liability Provisions

As state economies reopen, some states have decided to provide limited immunity for businesses for COVID-19 injuries and damages.

Immunity

Limited liability provisions currently exist for:

- North Carolina
- Oklahoma
- Utah
- Wyoming



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State COVID-19 Immunity Laws

State	Effective	Application	Conditions
North Carolina	May 4, 2020	<ul style="list-style-type: none">• Applies to essential businesses that provides goods and services.• Immunity protects from liability for customer or employee injuries or death allegedly caused by contracting COVID-19 while doing business with or while employed by the essential business.• Immunity does not apply to incidents of gross negligence, reckless misconduct or intentional infliction of harm.	<ul style="list-style-type: none">• Immunity applies to claims occurring on or after the issuance of the COVID-19 essential business executive order and expires when the COVID-19 emergency declaration is rescinded or expires.
Oklahoma	May 21, 2020	<ul style="list-style-type: none">• Applies to individuals and businesses in civil lawsuits for injuries from exposure (or potential exposure) to COVID-19.• Applies to civil lawsuits filed on or after May 21, 2020.	<ul style="list-style-type: none">• The act or omission leading to claim must follow the guidelines issued by any applicable federal or state regulation or presidential or gubernatorial executive order.• The guidance followed must be applicable at the time of the alleged incident.
Utah	May 4, 2020	<ul style="list-style-type: none">• Provides liability from civil litigation to individuals for damages or injuries resulting from exposure to COVID-19• Immunity does not apply to willful misconduct, reckless infliction of harm, intentional infliction of harm.• Immunity does not modify the state's workers' compensation, occupational disease or governmental immunity laws.• Immunity applies in addition to other immunity protections under state or federal law.	<ul style="list-style-type: none">• Exposure must take place on the premises owned or operated by that person or during an activity managed by that person.

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State	Effective	Application	Conditions
Wyoming	May 20, 2020	<ul style="list-style-type: none">• Applies to any person, business or health care provider.• Applies to liability arising from acting in good faith or complying with health officer instructions.• Also applies to retired health care workers with an inactive license who volunteer during the public health emergency.• Does not apply to acts or omissions classified as gross negligence or willful/wanton misconduct.	<ul style="list-style-type: none">• Applies during a public health emergency.• Immunity applies only when the instructions of a state, city, town or county health officer were followed or actions were undertaken in good faith in responding to the public health emergency.

More Information

Please contact Sterling Insurance Group or your local state health department for more information on COVID-19 guidelines.