

117TH CONGRESS
1ST SESSION

H. R. 1101

To exempt certain businesses from liability arising from claims relating to an individual contracting COVID–19 as a result of patronizing a business or healthcare entity.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 2021

Mr. BUDD introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To exempt certain businesses from liability arising from claims relating to an individual contracting COVID–19 as a result of patronizing a business or healthcare entity.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Reopening
5 Businesses Recovering from COVID–19 Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to provide for an exemp-
8 tion from liability arising from claims arising from an indi-
9 vidual contracting of COVID–19 as a result of patronage

1 of a business or health care entity during such time as
2 a national health emergency exists.

3 **SEC. 3. DEFINITIONS.**

4 (1) BUSINESS.—The term “business”—

5 (A) means any entity organized as corpora-
6 tion, partnership, limited liability corporation,
7 limited liability partnership, sole proprietorship,
8 farming cooperative, or any other corporate
9 structure recognized by the State in which the
10 business is domiciled; and

11 (B) includes any nonprofit organization or
12 educational institution.

13 (2) COVERED INDIVIDUAL.—The term “covered
14 individual” means—

15 (A) any invitee or licensee, as defined by
16 the tort law of the State in which the business
17 or COVID–19 medical entity is domiciled or
18 does business;

19 (B) any employee, contractor, or other in-
20 dividual providing services to a business or
21 COVID–19 medical entity; or

22 (C) any other person who enters or other-
23 wise visits or avails themselves of the services
24 provided by a business or COVID–19 medical
25 entity.

1 (3) COVERED PERIOD.—The term “covered pe-
2 riod” means the public health emergency declared by
3 the Secretary of Health and Human Services under
4 section 319 of the Public Health Service Act (42
5 U.S.C. 247d) on January 31, 2020, with respect to
6 COVID–19.

7 (4) COVID–19 ACTION.—The term “COVID–
8 19 action”—

9 (A) means any civil action commenced in
10 any Federal or State court in which the alleged
11 harm or injury to the plaintiff arises from or is
12 related to the actual or potential contracting in-
13 fection of COVID–19 or SARS–CoV–2; and

14 (B) does not include any action brought by
15 a government entity in a regulatory, super-
16 visory, or enforcement capacity.

17 (5) COVID–19 MEDICAL ENTITY.—The term
18 “COVID–19 medical entity” means any business or
19 governmental institution that provides healthcare re-
20 lated services for COVID–19, including treating,
21 testing, or transportation of COVID–19 patients,
22 manufacturing or distribution of personal protective
23 equipment, and manufacturing, distributing, or test-
24 ing of other healthcare equipment.

1 (6) DAMAGES.—The term “damages” means
2 any punitive, compensatory, or general damages re-
3 coverable under any State or Federal law.

4 **SEC. 4. LIABILITY EXEMPTION FOR BUSINESSES AND**
5 **COVID-19 MEDICAL ENTITIES.**

6 (a) IN GENERAL.—During the covered period, no
7 business or COVID-19 medical entity shall be liable for
8 any damages arising from a claim arising from or relating
9 from an individual’s contracting of COVID-19 if the busi-
10 ness or COVID-19 medical entity was—

11 (1) operating in a fashion consistent with any
12 applicable State or Federal guidelines or require-
13 ments on reopening; and

14 (2) using measures outlined by the Centers for
15 Disease Control and Prevention or any other State
16 or Federal agency to mitigate the potential spread of
17 COVID-19, including requiring individuals to wear
18 face coverings, sanitizing the workplace, practicing
19 social distancing, and using temperature checks.

20 (b) EXCEPTION.—Subsection (a) shall not apply to
21 a business or COVID-19 medical entity that a court has
22 determined to have acted grossly negligent.

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