



Date: April 13, 2021

To: RIMS Membership

Subject: COVID-19 Liability Protection for Businesses State and Federal Legislative Proposals

To Our Members:

As you may be aware, in several states, legislation is either pending or under consideration to protect businesses from liability arising out of damage claims resulting from COVID-19 infection to third parties such as customers or clients. Similar legislation has been proposed on the federal level as well.

RIMS understands that a balance must exist between a business owner's need to operate without being exposed to unreasonable liability – and the rights of consumers and the general public to seek just compensation for damages unreasonably caused by businesses with which they transact.

Accordingly, RIMS supports legislation for liability protection against COVID-related claims that operate as follows:

- A business may assert a “safe harbor” defense in any claim or litigation where it has been alleged that the business’ negligence resulted in bodily injury or property damage to third parties from exposure to COVID-19; provided that as of the date of the event or incident that gave rise to the claim or litigation, the business was operating under the Centers for Disease Control and Prevention’s (“CDC”) then-current guidelines or state guidelines equivalent to or greater than the CDC guidelines with respect to COVID-19 prevention.
- This “safe harbor” defense does not extend to allegations of gross negligence or willful misconduct.

For more information, contact Whitney Craig at wrcraig@rims.org.