

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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 2021

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

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## 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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