

118TH CONGRESS  
1ST SESSION

# H. R. 93

To require a particular jury instruction in Federal civil actions that include a claim for damages based on negligence arising from the transmission of COVID19.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2023

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

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## A BILL

To require a particular jury instruction in Federal civil actions that include a claim for damages based on negligence arising from the transmission of COVID19.

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 Businesses  
5 From Frivolous COVID Lawsuits Act of 2023”.

1 **SEC. 2. JURY INSTRUCTION IN FEDERAL CIVIL ACTIONS**  
2 **THAT INCLUDE A CLAIM ALLEGING NEG-**  
3 **LIGENCE ARISING FROM THE TRANSMISSION**  
4 **OF COVID-19.**

5 In a Federal civil action that includes a claim alleging  
6 negligence arising from the transmission of COVID-19  
7 and a request for damages, the court shall instruct a jury  
8 that—

9 (1) the liability standard is the reasonable per-  
10 son standard,

11 (2) a person is negligent if the person either  
12 does something that a reasonably careful person  
13 would not do in the same situation, or fails to do  
14 something that a reasonably careful person would  
15 do, in the same situation,

16 (3) the act of opening a business, by itself, shall  
17 be considered to be reasonable as a matter of law,  
18 and

19 (4) the negligence may not be found solely on  
20 the basis of holding oneself open for business.

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