

ASSEMBLY, No. 4388

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JULY 6, 2020

Sponsored by:

Assemblyman VINCENT MAZZEO

District 2 (Atlantic)

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Establishes immunity for businesses against damage claims for COVID-19 exposure; excludes willful, reckless or intentional conduct; excludes businesses that fail to adhere to safety guidelines.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/9/2020)

1 AN ACT concerning COVID-19-related business immunity and
2 supplementing chapter 53A of Title 2A of the New Jersey
3 Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. This act shall be known and may be cited as the “New Jersey
9 COVID-19 related Business Immunity Act.”

10
11 2. As used in this section:

12 “COVID-19” means the respiratory disease caused by the SARS-
13 CoV-2 virus.

14 “Employer” includes any individual, partnership, association,
15 corporation, business trust, legal representative or any organized
16 group of persons acting directly or indirectly in the interest of an
17 employer in its relations to employees.

18 “Premises” means real property and any appurtenant buildings or
19 structure.

20
21 3. a. Subject to the provisions of subsections c. and d. of this
22 section, an employer is immune from civil liability for damages for
23 injury resulting from exposure of an individual to COVID-19 on the
24 premises owned or operated by the employer, or during activity
25 managed by the employer.

26 b. The immunity in this section is in addition to any other
27 immunity protections that may apply in State or federal law.

28 c. Immunity as described in this section shall not apply to:

- 29 (1) willful misconduct;
30 (2) reckless infliction of harm; or
31 (3) intentional infliction of harm.

32 d. The immunity established in this section shall not be
33 applicable where a business fails to maintain documented proof of
34 adherence to public health guidelines including Executive Orders,
35 guidelines from the New Jersey Department of Health and other
36 State agencies, and guidelines from the Centers for Disease Control
37 and Prevention (CDC) and other federal agencies.

38
39 4. This act shall take effect immediately.
40
41

42 STATEMENT

43
44 This bill provides immunity to businesses against claims for
45 damage to individuals arising out of exposure to the COVID-19 at
46 premises owned or operated by the employer, or during activity
47 managed by the employer. The immunity provided in the bill is in
48 addition to any other immunity protections under state or federal

1 law. The immunity provided in this bill shall not apply to willful
2 misconduct, reckless infliction of harm or the intentional infliction
3 of harm. In addition the immunity established in this act shall not
4 be applicable where a business fails to maintain documented proof
5 of adherence to public health guidelines including Executive
6 Orders, guidelines from the New Jersey Department of Health and
7 other State agencies, and guidelines from the Centers for Disease
8 Control and Prevention (CDC) and other federal agencies.

9 Under the bill “employer” includes any individual, partnership,
10 association, corporation, business trust, legal representative or any
11 organized group of persons acting directly or indirectly in the
12 interest of an employer in its relations to employees.