

ASSEMBLY, No. 4426

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JULY 20, 2020

Sponsored by:

Assemblyman CHRISTOPHER P. DEPHILLIPS

District 40 (Bergen, Essex, Morris and Passaic)

SYNOPSIS

Grants immunity from liability to school districts, nonpublic schools, and employees for damages resulting from coronavirus disease 2019.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT granting immunity from liability to school districts,
2 nonpublic schools, and employees for claims related to the
3 coronavirus disease 2019 and supplementing chapter 6 of Title
4 18A of the New Jersey Statutes.

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

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9 1. a. Notwithstanding any provision of law to the contrary, a
10 school district or nonpublic school, and its employees, agents,
11 representatives, or designees, which in good faith comply with or
12 exceed all applicable public and personal health and safety
13 measures to prevent or mitigate a person's exposure to the COVID-
14 19 virus or the disease caused by the virus, coronavirus disease
15 2019, or a related viral strain to that virus or a disease caused by the
16 related viral strain in subsequent years, which measures are based
17 on guidance, regulations, rules, and administrative orders
18 promulgated by the federal Centers for Disease Control and
19 Prevention, the federal Occupational Safety and Health
20 Administration, the State Departments of Education, Health, Human
21 Services, and Labor and Workforce Development, or any other
22 federal, State, or local department, division, commission, board,
23 bureau, agency, or official, as well as applicable Executive Orders
24 or portions of those orders issued by the Governor, shall not be
25 liable in any civil action for any act of commission or omission
26 resulting in damages arising from a person's exposure to the
27 COVID-19 virus, a related viral strain, or disease caused by either
28 one.

29 b. Nothing in this section shall be deemed to grant immunity to
30 any school district, nonpublic school, or person causing damage by
31 a willful, wanton, or grossly negligent act of commission or
32 omission.

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34 2. This act shall take effect immediately, and apply
35 retroactively to the date that the Public Health Emergency and State
36 of Emergency was declared by the Governor in Executive Order
37 103 of 2020 concerning the coronavirus disease 2019 pandemic.

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40 STATEMENT

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42 This bill grants immunity from liability to school districts and
43 nonpublic schools, and their employees, agents, representatives, or
44 designees, in any civil action for an act of commission or omission
45 resulting in damages arising from a person's exposure to the
46 COVID-19 virus, a related viral strain, or a disease caused by either
47 one, provided that the school district or nonpublic school, and its
48 employees, agents, representatives, or designees (1) act in good

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1 faith to comply with or exceed all applicable public and personal
2 health and safety measures to prevent or mitigate a person's
3 exposure to the COVID-19 virus, a related viral strain, or a disease
4 caused by either one; and (2) those measures are based on guidance,
5 regulations, rules, and administrative orders promulgated by
6 federal, State, or local departments, divisions, commissions, boards,
7 bureaus, agencies, or officials, as well as applicable Executive
8 Orders or portions of those orders issued by the Governor.

9 This bill does not grant immunity to any school district,
10 nonpublic school, or person causing damage by his willful, wanton,
11 or grossly negligent acts of commission or omission.

12 This bill would take effect immediately, and apply retroactively
13 to March 9, 2020, the date the Public Health Emergency and State
14 of Emergency was declared by the Governor's Executive Order 103
15 concerning the coronavirus disease 2019 pandemic.