

# SENATE, No. 2634

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 29, 2020

**Sponsored by:**

**Senator VIN GOPAL  
District 11 (Monmouth)**

**Co-Sponsored by:**

**Senators O'Scanlon, Cardinale, Oroho and Holzapfel**

**SYNOPSIS**

Establishes general immunity for entities, including non-profits and governments, and institutions of higher education, and their officers, employees, and agents, against actions relating to Coronavirus disease 2019 pandemic or related viral strain in subsequent years.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 2/4/2021)

1 AN ACT establishing general immunity for certain persons and  
2 entities, including governmental entities, against legal actions  
3 relating to the Coronavirus disease 2019 pandemic, or related  
4 viral strain to the pandemic's virus in subsequent years, and  
5 supplementing Title 2A of the New Jersey Statutes, and chapters  
6 2 and 3 of Title 59 of the New Jersey Statutes.

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

10  
11 1. a. As used in this section, "business" means any non-  
12 governmental, for-profit or non-profit corporation, company,  
13 partnership, firm, sole proprietorship, society, association, business  
14 trust, or other form of business organization or entity.

15 Notwithstanding any provisions of law to the contrary, a  
16 business, and its trustees, directors, officers, employees, agents,  
17 servants, and volunteers, which in good faith reasonably comply  
18 with or exceed applicable health and safety measures to prevent or  
19 mitigate a person's exposure to the virus SARS-CoV-2 or the  
20 disease caused by the virus, Coronavirus disease 2019, also referred  
21 to as COVID-19, or a related viral strain to that virus or a disease  
22 caused by the related viral strain in subsequent years, which are in  
23 effect at the time of an alleged exposure to Sars-CoV-2, a related  
24 strain, or disease caused by either one, and which measures are  
25 based on guidance, regulations, rules, and administrative orders  
26 promulgated by the federal Centers for Disease Control and  
27 Prevention, the federal Occupational Safety and Health  
28 Administration, the State Departments of Health, Human Services,  
29 and Labor and Workforce Development, or any other applicable  
30 federal or State department, division, commission, board, bureau, or  
31 agency, as well as applicable Executive Orders or portions of those  
32 orders issued by the Governor, shall not be liable in any civil  
33 action, or subject to any administrative proceeding concerning  
34 professional disciplinary action, or suspension, revocation, refusal  
35 to issue or refusal to renew any license, certification, certificate, or  
36 permit, as applicable, for any act of commission or omission  
37 resulting in damages arising from a person's exposure to SARS-  
38 CoV-2, a related viral strain, or disease caused by either one.

39 b. (1) The immunity provided to a business, and its trustees,  
40 directors, officers, employees, agents, servants, and volunteers by  
41 this section applies in addition to any other available immunity, and  
42 applies whether the exposure to SARS-CoV-2, a related viral strain,  
43 or disease caused by either one, occurred because the person was  
44 required to be on the business's property, or entered or remained on  
45 the property by express or implied invitation or permission, or  
46 exposure occurred at some other place in the course of conducting  
47 business, providing services, or doing volunteer work on behalf of  
48 the business as authorized by it.

1 (2) Nothing in this section shall be deemed to:

2 (a) grant immunity to any business or person causing damage by  
3 a willful, wanton, or grossly negligent act of commission or  
4 omission; or

5 (b) affect a worker' compensation claim or award pursuant to  
6 any applicable State or federal law.

7

8 2. a. Notwithstanding any provisions of law to the contrary,  
9 any public or private institution of higher education, and its  
10 trustees, directors, officers, administrators, employees, agents,  
11 servants, and volunteers, which in good faith reasonably comply  
12 with or exceed applicable health and safety measures to prevent or  
13 mitigate a person's exposure to the virus SARS-CoV-2 or the  
14 disease caused by the virus, Coronavirus disease 2019, also referred  
15 to as COVID-19, or a related viral strain to that virus or a disease  
16 caused by the related viral strain in subsequent years, which are in  
17 effect at the time of an alleged exposure to SARS-CoV-2, a related  
18 strain, or disease caused by either one, and which measures are  
19 based on guidance, regulations, rules, and administrative orders  
20 promulgated by the federal Centers for Disease Control and  
21 Prevention, the federal Occupational Safety and Health  
22 Administration, the State Departments of Health, Human Services,  
23 and Labor and Workforce Development, the Secretary of Higher  
24 Education, or any other applicable federal or State department,  
25 division, commission, board, bureau, or agency, as well as  
26 applicable Executive Orders or portions of those orders issued by  
27 the Governor, shall not be liable in any civil action, or subject to  
28 any administrative proceeding concerning professional disciplinary  
29 action, or suspension, revocation, refusal to issue or refusal to  
30 renew any license, certification, certificate, or permit, as applicable,  
31 for any act of commission or omission resulting in damages arising  
32 from a person's exposure to SARS-CoV-2, a related viral strain, or  
33 disease caused by either one.

34 b. (1) The immunity provided to a public or private institution  
35 of higher education, and its trustees, directors, officers,  
36 administrators, employees, agents, servants, and volunteers by this  
37 section applies in addition to any other available immunity, and  
38 applies whether the exposure to SARS-CoV-2, a related viral strain,  
39 or disease caused by either one, occurred because the person was  
40 required to be on the campus or other property of the institution of  
41 higher education, or entered or remained on the campus or other  
42 property by express or implied invitation or permission, or exposure  
43 occurred at some other place in the course of conducting activities  
44 and operations, providing services, or doing volunteer work on  
45 behalf of the business as authorized by it.

46 (2) Nothing in this section shall be deemed to:

1 (a) grant immunity to any public or private institution of higher  
2 education or person causing damage by a willful, wanton, or grossly  
3 negligent act of commission or omission; or

4 (b) affect a worker' compensation claim or award pursuant to  
5 any applicable State or federal law.  
6

7 3. a. Notwithstanding any provisions of law to the contrary, a  
8 public entity, which in good faith reasonably complies with or  
9 exceeds applicable health and safety measures to prevent or  
10 mitigate a person's exposure to the virus SARS-CoV-2 or the  
11 disease caused by the virus, Coronavirus disease 2019, also referred  
12 to as COVID-19, or a related viral strain to that virus or a disease  
13 caused by the related viral strain in subsequent years, which are in  
14 effect at the time of an alleged exposure to Sars-CoV-2, a related  
15 strain, or disease caused by either one, and which measures are  
16 based on guidance, regulations, rules, and administrative orders  
17 promulgated by the federal Centers for Disease Control and  
18 Prevention, the federal Occupational Safety and Health  
19 Administration, the State Departments of Health, Human Services,  
20 and Labor and Workforce Development, or any other applicable  
21 federal or State department, division, commission, board, bureau, or  
22 agency, as well as applicable Executive Orders or portions of those  
23 orders issued by the Governor, shall not be liable in any civil action  
24 for any act of commission or omission resulting in damages arising  
25 from a person's exposure to SARS-CoV-2, a related viral strain, or  
26 disease caused by either one.

27 b. (1) The immunity provided to a public entity by this section  
28 applies in addition to any other available immunity, and applies  
29 whether the exposure to SARS-CoV-2, a related viral strain, or  
30 disease caused by either one, occurred because the person was  
31 required to be on the public entity's property, or entered or  
32 remained on the property by express or implied invitation or  
33 permission, or exposure occurred at some other place in the course  
34 of providing government services, or doing volunteer work on  
35 behalf of the public entity as authorized by it.

36 (2) Nothing in this section shall be deemed to:

37 (a) grant immunity to any public entity causing damage by a  
38 willful, wanton, or grossly negligent act of commission or omission;  
39 or

40 (b) affect a worker' compensation claim or award pursuant to  
41 any applicable State or federal law.  
42

43 4. a. Notwithstanding any provisions of law to the contrary, a  
44 public employee, who in good faith reasonably complies with or  
45 exceeds applicable health and safety measures to prevent or  
46 mitigate a person's exposure to the virus SARS-CoV-2 or the  
47 disease caused by the virus, Coronavirus disease 2019, also referred  
48 to as COVID-19, or a related viral strain to that virus or a disease

1 caused by the related viral strain in subsequent years, which are in  
2 effect at the time of an alleged exposure to Sars-CoV-2, a related  
3 strain, or disease caused by either one, and which measures are  
4 based on guidance, regulations, rules, and administrative orders  
5 promulgated by the federal Centers for Disease Control and  
6 Prevention, the federal Occupational Safety and Health  
7 Administration, the State Departments of Health, Human Services,  
8 and Labor and Workforce Development, or any other applicable  
9 federal or State department, division, commission, board, bureau, or  
10 agency, as well as applicable Executive Orders or portions of those  
11 orders issued by the Governor, shall not be liable in any civil action  
12 for any act of commission or omission resulting in damages arising  
13 from a person's exposure to SARS-CoV-2, a related viral strain, or  
14 disease caused by either one.

15 b. (1) The immunity provided to a public employee by this  
16 section applies in addition to any other available immunity, and  
17 applies whether the exposure to SARS-CoV-2, a related viral strain,  
18 or disease caused by either one, occurred because the person was  
19 required to be on the same public property as the public employee,  
20 or entered or remained on the property by express or implied  
21 invitation or permission, or exposure occurred at some other place  
22 in the course of the public employee providing government  
23 services, or doing volunteer work on behalf of a public entity as  
24 authorized by it.

25 (2) Nothing in this section shall be deemed to:

26 (a) grant immunity to any public employee causing damage by a  
27 willful, wanton, or grossly negligent act of commission or omission;  
28 or

29 (b) affect a worker's compensation claim or award pursuant to  
30 any applicable State or federal law.

31

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

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#### STATEMENT

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40 This bill would establish general immunity for business entities,  
41 including non-profits, and institutions of higher education, and their  
42 officers, employees, agents, and volunteers, as well as public  
43 entities, including primary and secondary schools, and their  
44 employees, against actions relating to a person's exposure to the  
45 virus SARS-CoV-2 or the disease caused by the virus, Coronavirus  
46 disease 2019, also referred to as COVID-19, or a related viral strain  
47 to that virus or a disease caused by the related viral strain in  
48 subsequent years. The immunity would be based on good faith

1 reasonable compliance with or exceeding applicable health and  
2 safety measures to prevent or mitigate a person's exposure to  
3 SARS-CoV-2, a related viral strain, or disease caused by either one,  
4 which are in effect at the time of an alleged exposure to SARS-  
5 CoV-2, a related strain, or disease caused by either one, and which  
6 measures are based on guidance, regulations, rules, and  
7 administrative orders promulgated by applicable federal or State  
8 departments, divisions, commissions, boards, bureaus, or agencies,  
9 as well as applicable Executive Orders or portions of those orders  
10 issued by the Governor. The immunity would bar civil lawsuits,  
11 and in the case of businesses and institutions of higher education,  
12 any administrative proceedings concerning professional disciplinary  
13 action, or suspension, revocation, refusal to issue or refusal to  
14 renew any license, certification, certificate, or permit, as applicable.

15 The immunity provided by the bill would apply in addition to  
16 any other available immunity, and would apply whether the  
17 exposure to SARS-CoV-2, a related viral strain, or disease caused  
18 by either one, occurred because a person was required to be on a  
19 business' property, the campus or other property of an institution of  
20 higher education, or public property, or entered or remained on the  
21 property or campus by express or implied invitation or permission,  
22 or the exposure occurred at some other place in the course of  
23 conducting business, activities and operations, providing services,  
24 or doing volunteer work on behalf of a business, institution of  
25 higher education, or public entity as authorized by it. However,  
26 nothing in the bill would be deemed to grant immunity for an  
27 entity's or person's willful, wanton, or grossly negligent act of  
28 commission or omission. Additionally, the bill would not affect a  
29 worker' compensation claim or award pursuant to any applicable  
30 State or federal law.

31 The bill would take effect immediately, and apply retroactively  
32 to March 9, 2020, the date the Public Health Emergency and State  
33 of Emergency was declared by the Governor's Executive Order 103  
34 of 2020 concerning the coronavirus disease 2019 pandemic.