

HOUSE BILL 1106

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11r2381

By: **Delegate Wivell**

Introduced and read first time: February 5, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Immunity From Liability – COVID–19 Exposure**

3 FOR the purpose of providing that an owner, a lessee, or a tenant of a premises is immune
4 from certain civil liability relating to the exposure of others on the premises to
5 COVID–19 under certain circumstances; applying this Act retroactively; defining a
6 certain term; and generally relating to immunity from civil liability for the exposure
7 of others to COVID–19.

8 BY adding to

9 Article – Courts and Judicial Proceedings

10 Section 5–644

11 Annotated Code of Maryland

12 (2020 Replacement Volume)

13 Preamble

14 WHEREAS, The General Assembly is aware that lawsuits related to the COVID–19
15 pandemic are being filed across the country, and business and premises owners are unsure
16 about what civil liability they may face as they begin to re–open their businesses and
17 premises; and

18 WHEREAS, Recommendations regarding how best to avoid COVID–19 infection
19 change frequently, and are at times not based on well–tested scientific information; and

20 WHEREAS, Business and premises owners have not historically been required to
21 keep members of the public from being exposed to airborne viruses, bacteria, and germs;
22 now, therefore,

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
24 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Courts and Judicial Proceedings**2 **5-644.**

3 **(A) IN THIS SECTION, “COVID-19” MEANS, INTERCHANGEABLY AND**
4 **COLLECTIVELY, THE CORONAVIRUS KNOWN AS COVID-19 OR 2019-NCOV AND THE**
5 **SARS-CoV-2 VIRUS.**

6 **(B) AN OWNER, A LESSEE, OR A TENANT OF A PREMISES IS NOT CIVILLY**
7 **LIABLE FOR ANY ACT OR OMISSION RESULTING IN INJURY OR DEATH RELATING TO**
8 **EXPOSURE OR ALLEGED EXPOSURE TO COVID-19 ON THE PREMISES IF THE**
9 **OWNER, LESSEE, OR TENANT, OR AN AGENT OF THE OWNER, LESSEE, OR TENANT,**
10 **ACTED IN GOOD FAITH TO FOLLOW AND ENFORCE ON THE PREMISES ALL FEDERAL,**
11 **STATE, AND LOCAL HEALTH GUIDELINES APPLICABLE AT THE TIME OF THE**
12 **EXPOSURE OR ALLEGED EXPOSURE.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
14 apply retroactively and shall be applied to and interpreted to affect claims arising on or
15 after the Governor declared a state of emergency and catastrophic health emergency
16 related to the novel coronavirus and COVID-19 on March 5, 2020.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2021.