STATE OF NEW YORK

10887

IN ASSEMBLY

July 24, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. DiPietro) -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to limiting the civil liability of employers and employees for the spread or possible transmission of COVID-19 caused by an act or omission while acting in good faith

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "Get New York Back to Work act".

§ 2. The labor law is amended by adding a new section 200-b to read as follows:

§ 200-b. Limitation on liability for employers and employees during COVID-19 pandemic. 1. For purposes of this section, the following terms shall have the following meanings:

(a) "Covered entity" shall mean one or more individuals, business trusts, legal representatives, corporations, companies, associations, firms, partnerships, societies, joint stock companies, universities, schools, not-for-profit organizations, religious organizations or any organized group of such entities.

(b) "Good faith" shall mean making reasonable efforts to act in compliance with (i) applicable guidance from a federal, state, local, territorial or tribal public health authority; or (ii) appropriate professional or industry standards, recommendations or guidance.

(c) "Serious bodily injury" shall mean (i) death or injury requiring in-patient hospitalization of at least forty-eight hours; (ii) permanent impairment of a bodily function; or (iii) permanent damage to a body structure.

2. Notwithstanding any other provision of law and except as provided in subdivision three of this section, no covered entity, as defined by paragraph (a) of subdivision one of this section, shall be liable in any civil action for the spread or possible transmission of COVID-19 caused by an act or omission of such covered entity acting in good faith in the workplace.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD16969-04-0

3. Subdivision two of this section shall not apply if harm to another individual is shown, by clear and convincing evidence, to be caused by an act or omission constituting willful or criminal misconduct, reckless misconduct, gross negligence, or a conscious flagrant indifference to the rights or safety of the individual harmed by such covered entity. For purposes of this section, infection with COVID-19 shall not be the basis for damages arising from bodily injury, except to the extent that such injury is serious bodily injury.

§ 3. This act shall take effect on the thirtieth day after it shall have become a law.