STATE OF NEW YORK

390

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. BRAUNSTEIN, SIMON -- read once and referred to the Committee on Judiciary

AN ACT to amend the general obligations law, in relation to declaring agreements exempting employers from liability for negligence related to the COVID-19 pandemic void and unenforceable

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

Section 1. The general obligations law is amended by adding a new section 5-322.4 to read as follows:

§ 5-322.4. Agreements exempting employers from liability for negligence related to the COVID-19 pandemic void and unenforceable. 1. Any provision in any contract, agreement or understanding relating to the employment, hiring or retaining of the services of any person, including but not limited to employees, independent contractors and interns, that exempts the employer or hiring party from liability for damages for personal injury or death caused by or resulting from the employer's negligence in connection with the employer's or hiring party's handling of measures related to the COVID-19 pandemic shall be deemed to be void as against public policy and wholly unenforceable.

2. The provisions of this section shall not preclude an employer or hiring party from requiring indemnification for damages arising out of personal injury or death caused by or resulting from the negligence of a party other than the employee, independent contractor and intern, whether or not the employer or hiring party is partially negligent.

§ 2. This act shall take effect immediately.

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

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