

2021 -- H 6085

LC001522

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--PROCEDURE GENERALLY --
CAUSES OF ACTION

Introduced By: Representative Patricia L. Morgan

Date Introduced: March 03, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 9-1 of the General Laws entitled "Causes of Action" is hereby
2 amended by adding thereto the following section:

3 **9-1-27.4. Liability protection for employers in a declared emergency.**

4 (a) As used in this section, the following words shall have the following meanings:

5 (1) "Guidance" means written guidance related to a declared public emergency that is
6 issued by a federal, state, or local government authority including, but not limited to, the United
7 States Health and Human Services including the Centers for Disease Control and Prevention or
8 Food and Drug Administration, the United States Department of Labor including the Occupational
9 Safety & Health Administration, U.S. Equal Employment Opportunity Commission, United States
10 Department of Homeland Security including the Federal Emergency Management Agency, United
11 States Environmental Protection Agency, United States Department of Education, United States
12 Department of Treasury, United States Department of Commerce, the state, a political subdivision,
13 or any state or local department, agency, board, or commission.

14 (2) "Person" means:

15 (i) Any natural person, partnership, corporation, limited liability company, company, trust,
16 estate, for-profit or nonprofit association, or any other business entity;

17 (ii) The state, a political subdivision, emergency management agency, or other agency of
18 the state including, but not limited to, universities; or

1 (iii) Any agent, representative, or employee of any of the above.

2 (b)(1) Every person shall be immune from civil liability and professional disciplinary
3 action for any action or inaction as a result of, in response to, or arising out of a disaster or
4 emergency declared at the federal, state, or local level, if the person complied with or made a good
5 faith effort to comply with federal, state, or local regulations, executive orders, or guidance or
6 complied with federal or state statutes passed or issued in response to the disaster or public
7 emergency and applicable to the activity at issue.

8 (2) If two (2) or more statutes, regulations, executive orders, or guidance apply to a person's
9 conduct, subsection (b)(1) of this section may be satisfied through compliance with or a good faith
10 effort to comply with any applicable federal, state, or local regulations, executive orders, or
11 guidance or compliance with any applicable federal or state statutes passed or issued in response to
12 the disaster or public emergency.

13 (3) Civil liability and professional disciplinary action for any action or inaction as a result
14 of, in response to, or arising out of a disaster or emergency declared at the federal, state, or local
15 level shall be limited to recklessness or willful misconduct in the absence of statutes, regulations,
16 executive orders, or guidance passed or issued in response to the disaster or public emergency and
17 applicable to the activity at issue.

18 (4) No statutes, regulations, executive orders, or guidance passed or issued in response to
19 a disaster or emergency declared at the federal, state, or local level, shall be construed to create a
20 private right of action.

21 (c) This section shall apply to any civil action or professional disciplinary action that is
22 filed in relation to the coronavirus pandemic and any future declared emergency.

23 (d) It being immediately necessary for the preservation of the public peace, health or safety,
24 an emergency is hereby declared to exist, by reason whereof this section shall take effect and be in
25 full force from and after its passage and approval.

26 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would grant immunity from civil liability and professional disciplinary action for
- 2 any action or inaction arising out of a disaster or declared emergency, when acting in good faith.
- 3 This act would take effect upon passage.

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