
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1194 Session of
2020

INTRODUCED BY STEFANO, PHILLIPS-HILL, KILLION, ARNOLD, MASTRIANO
AND ARGALL, JUNE 16, 2020

REFERRED TO JUDICIARY, JUNE 16, 2020

AN ACT

1 Providing for certain civil immunity relating to COVID-19
2 exposure and for limitation of time to bring suit.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the COVID-19
7 Exposure Liability Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Business services." Any lawful activity conducted by a
13 trade, business or not-for-profit organization.

14 "COVID-19." The coronavirus disease 2019, an infectious
15 disease caused by severe acute respiratory syndrome coronavirus
16 2 that was first identified during December 2019 in Wuhan,
17 China.

18 "COVID-19 emergency declaration." The proclamation of

1 disaster emergency issued by the Governor on March 6, 2020,
2 published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of
3 the state of disaster emergency.

4 "Gross negligence." An act or omission:

5 (1) that, when viewed from the standpoint of the actor
6 at the time of its occurrence, involves an extreme degree of
7 risk, considering the probability and magnitude of the
8 potential harm to others; and

9 (2) of which the actor has actual, subjective awareness
10 of the risk involved, but nevertheless proceeds with
11 conscious indifference to the rights, safety or welfare of
12 others.

13 "Premises." A building, structure, dwelling or real property
14 that may be entered or used by persons for business, public use,
15 lodging or the storage of goods, including a vehicle, aircraft
16 or watercraft used for the lodging of persons or carrying on of
17 business.

18 Section 3. Civil immunity.

19 A person that attempts, in good faith, to adhere to the
20 COVID-19 emergency declaration, the Governor's 20200319 TWW
21 COVID-19 Business Closure Order or any other executive order
22 relating to COVID-19, or any guidance issued by the Department
23 of Health or the Secretary of Health relating thereto, shall not
24 be liable for damages, injury or death resulting from or related
25 to actual or alleged exposure to COVID-19 in the course of or
26 through the performance or provision of business services absent
27 clear and convincing evidence of gross negligence.

28 Section 4. Limitation of time.

29 Notwithstanding any other provision of law to the contrary, a
30 person must bring suit for an alleged injury resulting from

1 exposure to COVID-19 not later than one year after the date the
2 cause of action accrues.

3 Section 5. Construction.

4 Nothing in this act shall be construed to:

5 (1) Create a new cause of action or expand any liability
6 otherwise imposed, limit any defense or affect the
7 applicability of any law that affords greater protections to
8 defendants than are provided in this act.

9 (2) Preclude an otherwise valid claim for worker's
10 compensation benefits or collateral source payment under
11 State law.

12 Section 6. Expiration.

13 (a) General rule.--Except as otherwise provided in
14 subsection (b), this act shall expire two years after the COVID-
15 19 disaster declaration is terminated or expires under 35
16 Pa.C.S. § 7301(c) (relating to general authority of Governor).

17 (b) Exception.--Any civil liability arising out of an act or
18 omission or related to an injury that occurred during the
19 operation of this act shall be subject to the provisions of this
20 act in perpetuity.

21 Section 7. Effective date.

22 This act shall take effect immediately.