

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 6030**

A bill to provide minimum requirements for tort claims alleging exposure to COVID-19; establishing liability standards for claims alleging exposure to COVID-19; and precluding liability if conduct complies with regulations or orders.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "COVID-19 response and reopening liability assurance act".

3 Sec. 2. As used in this act:

4 (a) "Conduct intended to reduce transmission of COVID-19"
5 means health screening, testing, contact tracing, and other actions
6 intended to reduce transmission of COVID-19 in a workplace or on
7 other premises.

8 (b) "COVID-19" means the novel coronavirus identified as SARS-

1 CoV-2 or a virus mutating from SARS-CoV-2, the disease caused by
2 the novel coronavirus SARS-CoV-2, and conditions associated with
3 the disease.

4 (c) "COVID-19 claim" means a tort claim or tort cause of
5 action for damages, losses, indemnification, contribution, or other
6 relief arising out of, based on, or in any way related to exposure
7 or potential exposure to COVID-19, or to conduct intended to reduce
8 transmission of COVID-19. COVID-19 claim also includes a tort claim
9 made by or on behalf of an individual who has been exposed or
10 potentially exposed to COVID-19, or any representative, spouse,
11 parent, child, member of the same household, or other relative of
12 the individual, for injury, including mental or emotional injury,
13 death, or loss to person, risk of disease or other injury, costs of
14 medical monitoring or surveillance, or other losses allegedly
15 caused by the individual's exposure or potential exposure to COVID-
16 19. COVID-19 claim does not include an administrative proceeding or
17 civil action brought by a state or local government prosecutor or
18 agency to enforce state statutes and regulations, executive orders,
19 or state agency orders applicable to COVID-19.

20 (d) "Nonprofit charitable organization" means an organization
21 granted tax exempt status by the Internal Revenue Service, if no
22 part of the organization's net earnings inure to the benefit of a
23 private shareholder or individual.

24 (e) "Person" means an individual, partnership, corporation,
25 association, governmental entity, or other legal entity, including,
26 but not limited to, a school, a college or university, an
27 institution of higher education, and a nonprofit charitable
28 organization. Person includes an employee, agent, or independent
29 contractor of the person, regardless of whether the individual is

1 paid or an unpaid volunteer.

2 Sec. 5. A person who acts in compliance with all federal,
3 state, and local statutes, rules, regulations, executive orders,
4 and agency orders related to COVID-19 that had not been denied
5 legal effect at the time of the conduct or risk that allegedly
6 caused harm is immune from liability for a COVID-19 claim. An
7 isolated, de minimis deviation from strict compliance with such
8 statutes, rules, regulations, executive orders, and agency orders
9 unrelated to the plaintiff's injuries does not deny a person the
10 immunity provided in this section.

11 Sec. 8. This act does not do any of the following:

12 (a) Create, recognize, or ratify a claim or cause of action of
13 any kind.

14 (b) Eliminate a required element of any claim, including, but
15 not limited to, causation and proximate cause elements.

16 (c) Affect rights, remedies, or protections under the worker's
17 disability compensation act of 1969, 1969 PA 317, MCL 418.101 to
18 418.941, including the exclusive application of that act.

19 (d) Amend, repeal, alter, or affect any other immunity or
20 limitation of liability.

21 (e) Create a defense to liability in an administrative
22 proceeding or civil action brought by a state or local government
23 prosecutor or agency to enforce state statutes and regulations,
24 executive orders, or state agency orders, applicable to COVID-19.

25 Sec. 9. As provided by section 5 of 1846 RS 1, MCL 8.5, the
26 provisions of this act are severable. If any portion of this act or
27 the application of this act to any person or circumstances is found
28 to be invalid by a court, the invalidity will not affect, impair,
29 or invalidate the other portions or applications of this act that

1 can be given effect without the invalid portion or application.

2 Sec. 10. This act applies retroactively to any claim or cause
3 of action that accrues after March 1, 2020.

4 Enacting section 1. This act does not take effect unless all
5 of the following bills of the 100th Legislature are enacted into
6 law:

7 (a) House Bill No. 6031.

8 (b) House Bill No. 6032.

9 (c) House Bill No. 6101.