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District 19 (Middlesex)
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District 5 (Camden and Gloucester)

Co-Sponsored by:
Assemblyman Dancer, Assemblywoman Reynolds-Jackson, Assemblymen
DePhillips, Mukherji, Space, Wirths and Calabrese

SYNOPSIS
Establishes general immunity for businesses, including non-profits, and public and private colleges and universities, and their officers, employees, and agents, against actions relating to Coronavirus disease 2019 pandemic or related viral strain in subsequent years.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel.

(Sponsorship Updated As Of: 3/7/2022)
AN ACT establishing general immunity for certain persons and
entities against legal actions relating to the Coronavirus disease
2019 pandemic, or related viral strain to pandemic’s virus in
subsequent years, and supplementing Title 2A of the New Jersey
Statutes.

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

1. a. As used in this section, “business” means any non-
governmental, for-profit or non-profit corporation, company,
partnership, firm, sole proprietorship, society, association, business
trust, or other form of business organization or entity.
Notwithstanding any provisions of law to the contrary, a
business, and its trustees, directors, officers, employees, agents,
servants, and volunteers, which in good faith comply with or exceed
all applicable public and personal health and safety measures to
prevent or mitigate a person’s exposure to the virus SARS-CoV-2
or the disease caused by the virus, Coronavirus disease 2019, also
referred to as COVID-19, or a related viral strain to that virus or a
disease caused by the related viral strain in subsequent years, which
measures are based on guidance, regulations, rules, and
administrative orders promulgated by the federal Centers for
Disease Control and Prevention, the federal Occupational Safety
and Health Administration, the State Departments of Health,
Human Services, and Labor and Workforce Development, or any
other federal, State or local department, division, commission,
board, bureau, agency, or official, as well as applicable Executive
Orders or portions of those orders issued by the Governor, shall not
be liable in any civil action, or subject to any administrative
proceeding concerning professional disciplinary action, or
suspension, revocation, refusal to issue or refusal to renew any
license, certification, certificate, or permit, as applicable, for any act
of commission or omission resulting in damages arising from a
person’s exposure to SARS-CoV-2, a related viral strain, or disease
caused by either one.

b. (1) The immunity provided to a business, and its trustees,
directors, officers, employees, agents, servants, and volunteers by
this section applies in addition to any other available immunity, and
applies whether the exposure to SARS-CoV-2, a related viral strain,
or disease caused by either one, occurred because the person was
required to be on the business’s property, or entered or remained on
the property by express or implied invitation or permission, or
exposure occurred at some other place in the course of conducting
business, providing services, or doing volunteer work on behalf of
the business as authorized by it.

(2) Nothing in this section shall be deemed to:
(a) grant immunity to any business or person causing damage by
a willful, wanton, or grossly negligent act of commission or
omission; or
(b) affect a worker’s compensation claim or award pursuant to
any applicable State or federal law.

2. a. Notwithstanding any provisions of law to the contrary,
any public or private institution of higher education, and its
trustees, directors, officers, administrators, employees, agents,
servants, and volunteers, which in good faith comply with or exceed
all applicable public and personal health and safety measures to
prevent or mitigate a person’s exposure to the virus SARS-CoV-2
or the disease caused by the virus, Coronavirus disease 2019, also
referred to as COVID-19, or a related viral strain to that virus or a
disease caused by the related viral strain in subsequent years, which
measures are based on guidance, regulations, rules, and
administrative orders promulgated by the federal Centers for
Disease Control and Prevention, the federal Occupational Safety
and Health Administration, the State Departments of Health,
Human Services, and Labor and Workforce Development, the
Secretary of Higher Education, or any other federal, State or local
department, division, commission, board, bureau, agency, or
official, as well as applicable Executive Orders or portions of those
orders issued by the Governor, shall not be liable in any civil
action, or subject to any administrative proceeding concerning
professional disciplinary action, or suspension, revocation, refusal
to issue or refusal to renew any license, certification, certificate, or
permit, as applicable, for any act of commission or omission
resulting in damages arising from a person’s exposure to SARS-
CoV-2, a related viral strain, or disease caused by either one.

b. (1) The immunity provided to a public or private institution
of higher education, and its trustees, directors, officers,
administrators, employees, agents, servants, and volunteers by this
section applies in addition to any other available immunity, and
applies whether the exposure to SARS-CoV-2, a related viral strain,
or disease caused by either one, occurred because the person was
required to be on the campus or other property of the institution of
higher education, or entered or remained on the campus or other
property by express or implied invitation or permission, or exposure
occurred at some other place in the course of conducting activities
and operations, providing services, or doing volunteer work on
behalf of the business as authorized by it.

(2) Nothing in this section shall be deemed to:
(a) grant immunity to any public or private institution of higher
education or person causing damage by a willful, wanton, or grossly
negligent act of commission or omission; or
(b) affect a worker’s compensation claim or award pursuant to
any applicable State or federal law.
This act shall take effect immediately, and apply retroactively to the date that the Public Health Emergency and State of Emergency was declared by the Governor in Executive Order 103 of 2020 concerning the coronavirus disease 2019 pandemic.

STATEMENT

This bill would establish general immunity for business entities, including non-profits, and institutions of higher education, and their officers, employees, agents, and volunteers against actions relating to a person’s exposure to the virus SARS-CoV-2 or the disease caused by the virus, Coronavirus disease 2019, also referred to as COVID-19, or a related viral strain to that virus or a disease caused by the related viral strain in subsequent years. The immunity would be based on good faith compliance with or exceeding all applicable public and personal health and safety measures to prevent or mitigate a person’s exposure to SARS-CoV-2, a related viral strain, or disease caused by either one, which measures are based on guidance, regulations, rules, and administrative orders promulgated by federal, State or local departments, divisions, commissions, boards, bureaus, agencies, or officials, as well as applicable Executive Orders or portions of those orders issued by the Governor. The immunity would bar civil lawsuits, and any administrative proceedings concerning professional disciplinary action, or suspension, revocation, refusal to issue or refusal to renew any license, certification, certificate, or permit, as applicable.

The immunity provided by the bill would apply in addition to any other available immunity, and would apply whether the exposure to SARS-CoV-2, a related viral strain, or disease caused by either one, occurred because a person was required to be on a business’ property, or the campus or other property of an institution of higher education, or entered or remained on the property or campus by express or implied invitation or permission, or the exposure occurred at some other place in the course of conducting business, activities and operations, providing services, or doing volunteer work on behalf of a business or institution of higher education as authorized by it. However, nothing in the bill would be deemed to grant immunity for an entity’s or person’s willful, wanton, or grossly negligent act of commission or omission. Additionally, the bill would not affect a worker’s compensation claim or award pursuant to any applicable State or federal law.

The bill would take effect immediately, and apply retroactively to March 9, 2020, the date the Public Health Emergency and State of Emergency was declared by the Governor’s Executive Order 103 of 2020 concerning the coronavirus disease 2019 pandemic.