ASSEMBLY, No. 3848

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED MAY 9, 2022

Sponsored by:
Assemblyman CLINTON CALABRESE
District 36 (Bergen and Passaic)
Assemblyman JOE DANIELSEN
District 17 (Middlesex and Somerset)

SYNOPSIS
Establishes immunity relating to COVID-19 spread at swimming pools in planned real estate developments.

CURRENT VERSION OF TEXT
As introduced.
AN ACT establishing immunity relating to COVID-19 spread at swimming pools in planned real estate developments 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. Any illness, injury, death, or other damages arising from, or related to, an exposure to, or transmission of, COVID-19 on the premises of a swimming pool of a planned real estate development shall not give rise to any legal cause of action in the Superior Court of New Jersey.

b. The immunity provided pursuant to subsection a. of this section shall not apply to acts or omissions constituting a crime, actual fraud, actual malice, gross negligence, recklessness, or willful misconduct.

c. As used in this section:
   “COVID-19” means the coronavirus disease 2019, as announced by the World Health Organization on February 11, 2020, and first identified in Wuhan, China.
   “Planned real estate development” means the same as that term is defined in section 3 of P.L.1977, c.419 (C.45:22A-23).
   “Premises of a swimming pool” means a swimming pool, hot tub, or spa within a common area of a planned real estate development, including any adjacent patio, restroom, locker room, playground, and other areas in the vicinity of the swimming pool, hot tub, or spa meant to be frequented in conjunction with the swimming pool, hot tub, or spa.

2. This act shall take effect immediately.

STATEMENT

This bill would prohibit any causes of action for damages arising from a COVID-19 exposure or transmission on the premises of a swimming pool of a planned real estate development. This immunity would not apply to acts or omissions constituting a crime, actual fraud, actual malice, gross negligence, recklessness, or willful misconduct. As used in the bill, the “premises of a swimming pool” would encompass any swimming pool, hot tub, or spa within a common area of a planned real estate development, including any adjacent patio, restroom, locker room, playground, and other areas in the vicinity of the swimming pool, hot tub, or spa meant to be frequented in conjunction with the swimming pool, hot tub, or spa.