

Good for business: Ohio enacts law limiting liability for COVID-19 lawsuits

CORONAVIRUS

Labor & Employment



Karina R. Conley | Wednesday, September 16, 2020

On September 14, 2020, Ohio joined six other states in enacting a law limiting employers' liability in COVID-19 lawsuits. Specifically, H.B. 606 (the "Good Samaritan Expansion Bill") grants qualified civil immunity to healthcare providers, individuals, schools, corporations, estates, trusts, partnerships, associations, for profit and non-profit entities, governmental entities, religious entities, and state institutions of higher education in lawsuits for "injury, death or loss to a person property" caused by "the exposure to, or transmission or contraction of MERS-CoV, SARS-CoV, or SARS-CoV-2, or any mutation thereof" so long as the exposure, transmission or contraction was not caused by "reckless conduct or intentional misconduct or willful or wanton misconduct..." As defined in the law, "reckless conduct" is conduct where with heedless indifference to the consequences, a person disregards a substantial and unjustifiable risk that the person's conduct is likely to cause an exposure to, or a transmission or contraction of COVID-19 or is likely to be of a nature that results in an exposure to, or a transmission or contraction of COVID-19 or other mutations of the virus.

The new law also prohibits class action lawsuits when other protections in the law do not apply.

The Ohio Legislature was clear within the language of the law, that the law was drafted and passed in order to assist Ohio business owners and employers navigate the uncertainties they faced regarding tort liability in reopening after Gov. Mike DeWine's lift of Ohio's stay-at-home order on March 9, 2020. Indeed, H.B. 606 grants retroactive protection through March 9, 2020 and extends the protection thought

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September 30, 2021. During his September 14, 2020 press briefing, Gov. DeWine stated that the law is consistent with his dual goals of protecting Ohio citizens from the virus while rebuilding Ohio's economy. Despite the new law, Ohio businesses should still remain vigilant and thorough in continued measures to prevent exposure, transmission or contraction of the virus.

As always, please feel free to contact a member of [McDonald Hopkins Employment Team](#) with any questions regarding the new law and/or other COVID-19 related issues.



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