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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1899

02/16/2023

Authored by Hudson

The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to civil actions; establishing immunity from COVID-19 liability; proposing
1.3 coding for new law in Minnesota Statutes, chapter 604A.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. 604A.50 COVID-19; IMMUNITY FROM LIABILITY.

1.6 Subdivision 1. Definitions. (a) For the purposes of this section, the following definitions
1.7 have the meanings given.

1.8 (b) "COVID-19" means: (1) severe acute respiratory syndrome coronavirus 2; or (2) the
1.9 disease caused by severe acute respiratory syndrome coronavirus 2.

1.10 (c) "Person" means:

1.11 (1) an individual;

1.12 (2) an association;

1.13 (3) an institution;

1.14 (4) a corporation;

1.15 (5) a company;

1.16 (6) a trust;

1.17 (7) a limited liability company;

1.18 (8) a partnership;

1.19 (9) a political subdivision;

2.1 (10) a government office, department, division, bureau, or other body of government;
2.2 or

2.3 (11) any other organization or entity.

2.4 (d) "Premises" means real property and any appurtenant building or structure.

2.5 Subd. 2. **COVID-19; Immunity.** (a) Except as provided in paragraph (b), a person is
2.6 immune from civil liability for damages resulting from exposure of an individual to
2.7 COVID-19:

2.8 (1) on the premises owned or operated by the person;

2.9 (2) on any premises on which the person or an employee or agent of the person provided
2.10 property or services to the individual; or

2.11 (3) during an activity managed, organized, or sponsored by the person.

2.12 (b) Nothing in paragraph (a) grants immunity from civil liability to a person whose
2.13 actions or omissions constitute gross negligence or willful or wanton misconduct as proven
2.14 by clear and convincing evidence.

2.15 Subd. 3. **Other law preserved.** (a) Nothing in this section shall be construed to remove
2.16 any immunity from, defense to, or limitation on liability provided under:

2.17 (1) section 3.736, the Minnesota Tort Claims Act;

2.18 (2) chapter 466, the Municipal Tort Claims Act;

2.19 (3) chapter 144; and

2.20 (4) any other immunity protection that may apply under state or federal law.

2.21 (b) This section does not apply to a cause of action under:

2.22 (1) chapter 176, the Workers' Compensation Act; or

2.23 (2) chapter 182, the Occupational Safety and Health Act.

2.24 Subd. 4. **Expiration.** This section expires December 31, 2026.

2.25 **EFFECTIVE DATE.** This section is effective retroactively for causes of action accruing
2.26 on or after January 1, 2020.