

\*\*\*\*\* Act 236 of 2020 This act applies retroactively to any claim or cause of action that accrues after March 1, 2020: See 691.1460 \*\*\*\*\*

## **COVID-19 RESPONSE AND REOPENING LIABILITY ASSURANCE ACT**

### **Act 236 of 2020**

AN ACT 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.

**History:** 2020, Act 236, Imd. Eff. Oct. 22, 2020.

*The People of the State of Michigan enact:*

\*\*\*\*\* 691.1451 This section applies retroactively to any claim or cause of action that accrues after March 1, 2020: See 691.1460 \*\*\*\*\*

#### **691.1451 Short title.**

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

**History:** 2020, Act 236, Imd. Eff. Oct. 22, 2020.

\*\*\*\*\* 691.1452 This section applies retroactively to any claim or cause of action that accrues after March 1, 2020: See 691.1460 \*\*\*\*\*

#### **691.1452 Definitions.**

Sec. 2. As used in this act:

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

(b) "COVID-19" means the novel coronavirus identified as SARS-CoV-2 or a virus mutating from SARS-CoV-2, the disease caused by the novel coronavirus SARS-CoV-2, and conditions associated with the disease.

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

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

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

**History:** 2020, Act 236, Imd. Eff. Oct. 22, 2020.

\*\*\*\*\* 691.1455 This section applies retroactively to any claim or cause of action that accrues after March 1, 2020: See 691.1460 \*\*\*\*\*

#### **691.1455 Immunity for COVID-19 claim.**

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

section.

**History:** 2020, Act 236, Imd. Eff. Oct. 22, 2020.

\*\*\*\*\* 691.1458 *This section applies retroactively to any claim or cause of action that accrues after March 1, 2020: See 691.1460* \*\*\*\*\*

**691.1458 Effect of act.**

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

- (a) Create, recognize, or ratify a claim or cause of action of any kind.
- (b) Eliminate a required element of any claim, including, but not limited to, causation and proximate cause elements.
- (c) Affect rights, remedies, or protections under the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.101 to 418.941, including the exclusive application of that act.
- (d) Amend, repeal, alter, or affect any other immunity or limitation of liability.
- (e) Create a defense to liability in an administrative proceeding or civil action brought by a state or local government prosecutor or agency to enforce state statutes and regulations, executive orders, or state agency orders, applicable to COVID-19.

**History:** 2020, Act 236, Imd. Eff. Oct. 22, 2020.

\*\*\*\*\* 691.1459 *This section applies retroactively to any claim or cause of action that accrues after March 1, 2020: See 691.1460* \*\*\*\*\*

**691.1459 Severability.**

Sec. 9. As provided by section 5 of 1846 RS 1, MCL 8.5, the provisions of this act are severable. If any portion of this act or the application of this act to any person or circumstances is found to be invalid by a court, the invalidity will not affect, impair, or invalidate the other portions or applications of this act that can be given effect without the invalid portion or application.

**History:** 2020, Act 236, Imd. Eff. Oct. 22, 2020.

**691.1460 Retroactive effective date.**

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

**History:** 2020, Act 236, Imd. Eff. Oct. 22, 2020.