

Support HB 2638 to Give Businesses, Frontline Medical Providers & Other Entities COVID Liability Protection

The COVID-19 pandemic has had devastating impacts on Oregonians. Businesses, medical providers, non-profits and other entities have worked extremely hard in difficult circumstances to comply with the orders issued by the Governor because the health of our employees, customers and communities had to come first.

Businesses and other entities were forced to close their doors, to scale back their work, or to invest in expensive solutions to address COVID-19. As we look to the future and an eventual end to the COVID emergency situation, these entities who complied with the public health guidance and orders from the state are facing further threats from COVID-19 in the form of potential lawsuits and need your help.

States across the country have provided liability protection to entities to protect them against COVID-19 lawsuits. The protection in HB 2638 is the result of workgroup efforts in 2020 to address an identified problem and aligned to approach the issue in a reasonable way that allows an off-ramp in circumstances where entities were acting under orders issued by the Governor or following guidelines issued by the state. It includes:

- Protection for following State and Federal Guidance – entities who follow guidance from the government about how they can safely operate should be protected from unwarranted lawsuits;
- Recognition of the COVID-19 situation – entities should not be liable for circumstances beyond their control including limited PPE, inability to provide care due to restrictions, limited testing and workforce shortages due to the crisis;
- Limited Duration for Liability Protection – protection exists only for acts or omissions during the COVID-19 Emergency (effective with the first order: EO 20-03 March 8, 2020)
- Limited Scope of Liability Protection – allow for gross negligence, reckless or willful misconduct claims to move forward (not looking to protect bad actors!)

If an entity is acting under orders of the Governor or if they are following the guidelines issued to safely guide their operations, then they should have certainty during the COVID-19 emergency situation that they will not be sued. Businesses, healthcare providers, non-profits, local governments and hundreds of other entities need this protection to ensure COVID recovery isn't impacted by unfair lawsuits.

Entities need to know they have protection from lawsuits if they are following state mandated safety guidelines - PLEASE SUPPORT HB 2638!

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