

One Hundred Seventh Legislature - First Session - 2021

Introducer's Statement of Intent

LB139

Chairperson: Senator Steve Lathrop

Committee: Judiciary

Date of Hearing: February 18, 2021

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB139 would provide general safe harbor and premises liability protections on potential COVID-19 lawsuits for a broad range of individuals and organizations — among them medical and other health care providers, first responders, medical facilities, schools, restaurants, retail establishments, general business operations open to the public, churches, senior care facilities, and individual citizens provided that such persons follow public health guidance.

LB139 is not intended to protect “bad actors.” The bill also does not address workplace or employer / employee liability issues, since the worker’s compensation law is the exclusive remedy in such situations.

The bill would prohibit individuals from filing a civil lawsuit against another person seeking recovery from COVID-19 exposure or potential exposure unless it relates to a minimum medical condition and unless the claimant can prove, by clear and convincing evidence, the injury or damages constituted gross negligence or willful misconduct.

The bill also shields health care providers from liability for civil damages for causing or contributing, directly or indirectly, to the death or injury of an individual as a result of the health care provider’s acts or omissions while providing or arranging health care in support of COVID- 19.

The provisions of the legislation are not retroactive. LB139 has a sunset date, based on the earlier of December 31, 2022 or one year after the end of the COVID-19 state of emergency.

Principal Introducer: _____

Senator Tom Bries