

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 118

Committee Substitute Favorable 3/5/19  
Committee Substitute #2 Favorable 3/27/19  
Committee Substitute #3 Favorable 4/15/19  
Committee Substitute #4 Favorable 5/6/19

PROPOSED SENATE COMMITTEE SUBSTITUTE H118-CSTG-50 [v.12]

06/09/2020 02:16:22 PM

Short Title: COVID-19 Liab. Safe Harbor.

(Public)

Sponsors:

Referred to:

February 21, 2019

A BILL TO BE ENTITLED  
AN ACT TO LIMIT THE LIABILITY OF AND TO CREATE A SAFE HARBOR FOR  
PERSONS MAKING REASONABLE EFFORTS TO SAFEGUARD THE PUBLIC  
HEALTH TO PREVENT THE SPREAD OF CORONAVIRUS DISEASE 2019  
(COVID-19).

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 99E of the General Statutes is amended by adding a new  
Article to read:

"Article 8.

"COVID-19 Liability Safe Harbor.

**"§ 99E-70. Definitions.**

The following definitions apply in this Article:

(1) COVID-19. – The disease caused by the SARS-CoV-2 virus.

(2) Person. – A corporation, nonprofit corporation, business trust, estate, trust,  
partnership, limited liability company, sole proprietorship, association, joint  
venture, government; governmental subdivision, agency, or instrumentality;  
public corporation; or any other legal entity.

**"§ 99E-71. Standard of Care.**

(a) It is the duty of every person operating in this State to make reasonable efforts to  
comply with executive orders issued by the Governor pursuant to G.S. 166A-19.30 and to make  
reasonable efforts to follow applicable guidelines issued by the North Carolina Department of  
Health and Human Services and the United States Centers for Disease Control and Prevention to  
protect against transmission of COVID-19.

(b) No person who has complied with subsection (a) of this section shall be liable in any  
claim or action seeking damages for injury or death arising from:

(1) Exposure of the claimant to COVID-19 as a result of being present on any  
premises owned by the person or under the person's possession, custody, or  
control.

(2) Exposure of the claimant to COVID-19 as a result of using or consuming  
goods or services provided by the person.



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(3) Transmission to the claimant of COVID-19 by an individual infected with COVID-19 as a result of one of the circumstances described in subdivisions (1) and (2) of this subsection.

(c) The immunity provided under subsection (b) of this section does not apply to claims or actions arising from acts or omissions constituting gross negligence, wanton conduct, or intentional wrongdoing.

**"§ 99E-72. Applicability.**

This Article applies to claims or actions arising no later than one year after the expiration or rescission of Executive Order 116 issued March 10, 2020."

**SECTION 2.** Nothing in this act shall affect any immunity from liability provided under Session Law 2020-3.

**SECTION 3.** This act is effective when it becomes law and applies to claims arising on or after that date.