

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-54 [v.1]  
6/15/2020 5:50:18 AM

Short Title: COVID-19 Liab. Safe Harbor. (Public)

Sponsors:

Referred to:

February 21, 2019

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

6 The General Assembly of North Carolina enacts:

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

9 "Article 8.

10 "COVID-19 Liability Safe Harbor.

11 "**§ 99E-70. Definitions.**

12 The following definitions apply in this Article:

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

14 (2) Person. – A corporation, nonprofit corporation, business trust, estate, trust,  
15 partnership, limited liability company, sole proprietorship, association, joint  
16 venture, government; governmental subdivision, agency, or instrumentality;  
17 public corporation; or any other legal entity against which a claim or action  
18 subject to this Article is brought.

19 "**§ 99E-71. Limitation on liability.**

20 (a) This Article applies to any claim or action seeking damages from a person for injury  
21 or death arising from the claimant having contracted COVID-19 as a result of any of the  
22 following circumstances:

23 (1) Having been present on any premises owned by the person or under the  
24 person's possession, custody, or control.

25 (2) Having used or consumed goods or services provided by the person.

26 (3) Having contracted COVID-19 from someone who contracted COVID-19 in  
27 the course of either of the circumstances described in subdivisions (1) and (2)  
28 of this subsection.

29 (b) No person shall be liable in any claim or action subject to this Article who has made  
30 reasonable efforts to:

31 (1) Comply with applicable executive orders issued by the Governor pursuant to  
32 G.S. 166A-19.30 to protect against transmission of COVID-19.



1           (2) Follow applicable guidelines issued by the North Carolina Department of  
2           Health and Human Services and the United States Centers for Disease Control  
3           and Prevention to protect against transmission of COVID-19.

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

7           (d) In any claim or action subject to this Article, a person's failure to make reasonable  
8           efforts to comply with applicable executive orders issued by the Governor pursuant to  
9           G.S. 166A-19.30 to protect against transmission of COVID-19, or a person's failure to make  
10          reasonable efforts to follow applicable guidelines issued by the North Carolina Department of  
11          Health and Human Services and the United States Centers for Disease Control and Prevention to  
12          protect against transmission of COVID-19, shall not constitute negligence per se.

13          "**§ 99E-72. Applicability.**

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

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

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