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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 606
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Grendell

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SUMMARY

- During the period of emergency declared by the Governor's Executive Order 2020-01D, issued on March 9, 2020, generally grants a person providing services for "essential businesses and operations" civil immunity for injury, death, or loss to person or property caused by the transmission of COVID-19.
- Provides that the above immunity does not apply if the person providing services for essential businesses and operations acts manifestly outside the person's scope of responsibilities, with malicious purpose, in bad faith, or in a wanton or reckless manner.
- Defines "essential businesses and operations" as stated in the Director of Health's Order that "All Persons Stay at Home Unless Engaged in Essential Work or Activity" issued on March 22, 2020.
- Provides that the bill does not eliminate, limit, or reduce any civil immunity conferred upon a person who provides services for essential businesses and operations by any other Revised Code provision or by case law.
- Declares an emergency.

DETAILED ANALYSIS

Immunity for providers of essential businesses and operations; exception

The bill generally provides that during the period of emergency declared by Executive Order 2020-01D, issued on March 9, 2020, a person who provides services for "essential

businesses and operations” (see “**Definition**”) is immune from liability in a civil action for any injury, death, or loss to person or property that was caused by the transmission of COVID-19.¹

Under the bill, the above civil immunity does not apply if the person who provides services for essential businesses and operations acts manifestly outside the scope of the person's responsibilities, with malicious purpose, in bad faith, or in a wanton or reckless manner.²

No effect on existing immunities

The bill specifies that its provisions do not eliminate, limit, or reduce any immunity from civil liability that is conferred upon a person who provides services for essential businesses and operations by any other provision of the Revised Code or by case law.³

Definition

The bill defines “essential businesses and operations” as having the same meaning as in the Director of Health's order under the powers of the Department of Health named “Re: Director’s Order that All Persons Stay at Home Unless Engaged in Essential Work or Activity” issued on March 22, 2020.⁴

Emergency clause

The bill states that the act is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to address urgent needs of the state arising from a COVID-19 outbreak. Therefore, the act takes immediate effect.⁵

HISTORY

Action	Date
Introduced	04-10-20

H0606-I-133/ec

¹ Section 1(B).

² Section 1(C).

³ Section 1(D).

⁴ Section 1(A). The Stay at Home Order is at: <https://coronavirus.ohio.gov/static/DirectorsOrderStayAtHome.pdf>.

⁵ Section 2.