

S.F. No. 745 – Limited liability for claims related to COVID-19

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Overview

S.F. 745 provides several limitations on liability for claims of harm related to COVID-19, including the following: limited liability for the provision of qualified products, householding cleaning supplies, and personal protective equipment; a requirement that a plaintiff demonstrate minimum injury; a limitation on the duty to reduce risk or warn of risk owed by owners and occupants; and limited liability if an act or omission was consistent with written government guidance.

Summary

Section 1. Products in response to COVID-19; liability. Defines “essential business,” “first responder,” “health care facility,” “health care professional,” “household cleaning or disinfecting supplies,” “person,” “personal protective equipment,” and “qualified product.”

The following persons are not liable for an act or omission related to the administration or use of a product: (a) a person who designs, manufactures, labels, sells, distributes, or donates a qualified product in response to COVID-19 that is used by a government entity, health care professional, health care facility, first responder, or essential business; and (b) a person who designs, manufactures, labels, sells, distributes, or donates household cleaning or disinfecting supplies or personal protective equipment in response to COVID-19 but does not do so in the ordinary course of the person’s business.

The limitation on liability does not apply to a person who had actual knowledge that the product was defective and acted with indifference or disregard of a substantial and unnecessary risk that the product would cause serious injury to others or acted with intent to cause harm.

Sec. 2. Minimum injury requirement; COVID-19. A person is prohibited from filing a civil action alleging harm related to COVID-19 unless that person was diagnosed with COVID-19, experienced COVID-19 symptoms, and required inpatient hospitalization or experienced a serious illness or death. This section does not apply to acts or omissions committed with intent to cause harm or threaten exposure to COVID-19.

Sec. 3. No duty of care owed; limited liability. An owner, lessor, lessee, or occupant of commercial, business, industrial, governmental, recreational, or residential premises: (a) does not owe a duty to eliminate or reduce the risk related to COVID-19 or to warn persons entering the premises of a risk related to COVID-19; and (b) is not liable for harm related to COVID-19 unless the act was committed in an intentional, willful and wanton, or reckless manner. This section does not apply to workers' compensation claims under **chapter 176**.

Sec. 4. Safe harbor for compliance with government guidance; COVID-19. Defines "person" and "guidance." A person conducting business in Minnesota is not liable for harm related to COVID-19 if the act or omission at issue complied or was consistent with written government guidance applicable at the time of the alleged act or omission.

Effective date. This bill is effective retroactively from March 13, 2020 and applies to causes of actions accruing on or after that date.