



Senate Bill 210

COVID-19 Claim - Civil Immunity

MACo Position: **SUPPORT**

To: Judicial Proceedings Committee

Date: January 26, 2021

From: Michael Sanderson

The Maryland Association of Counties (MACo) **SUPPORTS SB 210**. This bill presents a reasonable immunity protection for lawful and proper actions taken during the COVID-19 pandemic – while preserving an avenue for individuals to seek compensation for gross negligence or intentional wrongdoing.

The ongoing COVID-19 crisis that struck Maryland and much of the world in 2020 has posed considerable public health and fiscal challenges. Maryland’s response to this unique circumstance must reflect a proper balance of consideration for individuals, but also for businesses and institutions, who have engaged in reasonable contact but nonetheless are connected to the virus’s spread.

SB 210 suggests such a balanced approach. Employers of all types were pressed to fashion accommodations for their workplaces – in many cases doing so without clear guidance from federal or other authorities. For the most part, the employer community – including local governments – accomplished their tasks while preserving the safety of employees and their customers, clients, or residents.

However, Maryland’s worrisome caseload data shows that the virus’s spread has taken many turns, and some precautions may have failed to fully contain its spread. Litigation surely awaits, ranging from the serious to the opportunistic. SB 210 carves out a standard for assessing any lawsuits arising from this impossible situation – holding employers accountable if their conduct amounted to gross negligence or intentional wrongdoing. Countless employers who sought to act reasonably (many of whom are still fighting for their long-term survival) would be spared the uncertainty of a potential wave of COVID-19 lawsuits arising from even the most trivial workplace decisions. These protections would expire after the current health crisis abates.

SB 210 offers reasonable and temporary protections for businesses and other employers for reasonable and emergency-driven decisions made during the 2020 health emergency. For these reasons, MACo requests the Committee give SB 210 a **FAVORABLE** report.