



PROTECT ESSENTIAL BUSINESSES FROM FRIVOLOUS LAWSUITS

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Independent grocery has had to face a whole new world when it comes to retail in the age of the coronavirus. Like many industries deemed essential businesses, grocery had to overcome the challenges of staying open while simultaneously protecting customers, employees, and the stores themselves from the threat of an invisible virus.

Background:

Between ever evolving safety protocols, new cleaning and disinfecting regimens, and traversing shortages of personal protective equipment (PPE), independent grocery has risen to the occasion by quickly and creatively implementing changes to make sure that food continues to get to Americans' tables. But as the global health crisis continues, a new existential threat has begun to rear its ugly head. Businesses and organizations – from food retail to healthcare, churches and schools to public transportation – are now facing the additional burden of unfounded civil lawsuits.

Position:

Since March 2020, over 6,000 COVID-19 complaints have been filed throughout the United States. With new claims appearing daily, it is imperative that Congress take action to protect businesses who have complied with public health and safety protocols from these predatory lawsuits. Bad actors should not be protected, however, but liability protections should be provided to businesses who have responsibly complied with all Center for Disease Control (CDC), Occupational Safety and Health Administration (OSHA), state, and local public health and safety guidelines. Independent grocers simply want to continue to feed their communities without the threat of frivolous claims.

As Congress considers additional legislation to address the COVID-19 pandemic, NGA urges Members of Congress to include commonsense liability protections for the grocery industry.

NGA supports legislation which includes liability protections that contain provisions such as:

- Creates a legal safe harbor for any person, business, or organization acting in good faith to prevent the spread of COVID-19 from frivolous lawsuits.
- Safe harbor does not apply in cases of willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious flagrant indifference to the rights or safety of the individual harmed by the person or business.
- Applies to individuals, business trusts, legal representatives, corporations, companies, associations, firms, partnerships, societies, joint stock companies, nonprofits, religious organizations, or any organized group of persons.
- Effective both after the rescission of the national emergency declaration and is backdated to the beginning of the pandemic.

