

COVID-19 EXPOSURE LIABILITY ACT

AN ACT to provide relief from certain civil claims related to COVID-19. Be It Enacted By The Legislature of the State of Vermont:

SECTION 1. DEFINITIONS. In this Act:

- (a) COVID-19 and CORONAVIRUS.—Coronavirus 2019, commonly known as COVID-19; the disease, health condition, or threat caused by COVID-19 or a virus mutating therefrom.
- (b) DAMAGES. Economic damages, non-economic damages for mental anguish and emotional distress, compensatory damages, consequential damages, punitive damages, and any other damages arising from any injury, death, or property damage or otherwise.
- (c) EDUCATIONAL INSTITUTION: Any public or private two-year or four-year institution of higher education physically located in the State of Vermont, including, but not limited to, the University of Vermont State and Agricultural College.

SECTION 2. LIABILITY.

- (a) Limitation of Liability. Notwithstanding any other provision of law to the contrary, and except as provided in Section 2(b), as a matter of law, an Educational Institution shall be immune from civil liability for Damages or personal injury of any kind resulting from or related to an actual or alleged exposure to COVID-19 on premises owned or operated by the Educational Institution or during a program or activity managed or sponsored by the Educational Institution, if at the time of alleged or actual exposure, the Educational Institution used reasonable, good-faith efforts to inform its employees and students of their responsibility to comply with COVID-19 protocols..
- (b) Exception. Section 2(a) shall not apply if damages, injury, or death resulting from or related to the actual or alleged exposure to COVID-19 is shown by clear and convincing evidence to be the result of the Educational Institution's willful misconduct. Section 2(a) does not modify the application of Title 21, Chapter 9, Employer's Liability and Workers' Compensation.
- (c) In those instances where liability is established as required by subsection (b), a covered entity's liability shall be limited to actual economic compensatory

damages, and in no event shall the Educational Intuition be liable for non-economic or punitive damages.

SECTION 3. STATUTE OF LIMITATIONS: A person must bring suit for any alleged injury arising from COVID-19 not later than one year after the day the cause of action accrues. Any and all such suits, if filed, are subject to Section 2 of this Act.

SECTION 4. SEVERABILITY. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

SECTION 5. RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to create a new cause of action or expand any liability otherwise imposed, limit any defense, or affect the applicability of any law that affords greater protections to defendants that are provided in this Act.

SECTION 6. NO SUNSET. Any civil liability arising out of acts or omissions or related to an injury that occurred during the operation of this Act shall be subject to the provisions of this bill in perpetuity.

SECTION 7. EFFECTIVE DATE. This act shall become effective immediately following its passage and approval by the Governor of the State of Vermont, or its otherwise becoming law. The provisions of this Act shall be retroactive and apply to causes of action filed on or after March 1, 2020.