
HOUSE RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY
ON BUSINESS LIABILITY PROTECTIONS RELATED TO COVID-19-
RELATED CLAIMS.

1 WHEREAS, the virus known as SARS-CoV-2 is responsible for
2 the coronavirus disease 2019 (COVID-19) pandemic that has
3 severely crippled the nation's and State's public health and
4 economy; and
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6 WHEREAS, emergency proclamations and orders by the Governor
7 and county mayors to prevent the spread of COVID-19 include
8 safety measures and restrictions to prevent and mitigate the
9 spread of the virus, which have allowed certain businesses to
10 continue to remain open or reopen; and
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12 WHEREAS, businesses open to provide services to the public
13 during the pandemic face significant risk, including the risk of
14 civil liability, which threatens the State's ongoing economic
15 recovery efforts; and
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17 WHEREAS, according to the American Bar Association, there
18 is national debate over the need for business liability
19 protection from COVID-19-related lawsuits; and
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21 WHEREAS, according to the American Bar Association,
22 business owners are concerned about the prospect of employees or
23 customers contracting COVID-19 while on business premises and
24 how that could translate into liability lawsuits; and
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26 WHEREAS, some businesses are considering requiring their
27 customers to sign a COVID-19 liability waiver to hold the
28 business harmless if the customer contracts COVID-19 while on
29 business premises; and
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31 WHEREAS, in addition, federal and state lawmakers are
32 considering protective legislation for COVID-19-related claims



1 and business liability protection legislation is before
2 Congress and some state legislatures; and
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4 WHEREAS, despite potential legislation, the current COVID-
5 19 legal landscape and options related to liability protections
6 for businesses remain unclear; now, therefore,
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8 BE IT RESOLVED by the House of Representatives of the
9 Thirty-first Legislature of the State of Hawaii, Regular Session
10 of 2021, that the Legislature Reference Bureau is requested to
11 conduct a study on business liability protections related to
12 COVID-19-related claims; and
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14 BE IT FURTHER RESOLVED that the study include:
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- 16 (1) The issues related to business liability protections
17 related to COVID-19 claims or possible claims;
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- 19 (2) National, state, and local health and safety guidance
20 and directives to ensure a safe workplace and place of
21 business;
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- 23 (3) Actions taken by businesses to protect themselves from
24 liability, including health and safety policies and
25 guidelines, COVID-19 protection protocols, and other
26 actions taken to provide a safe environment for
27 employees and customers;
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- 29 (4) Actions being considered or taken federally and by
30 states regarding business liability protections
31 related to COVID-19 claims or possible claims,
32 including legislation, proclamations, and other legal
33 protections; and
34
- 35 (5) Any other safeguards for businesses; and
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37 BE IT FURTHER RESOLVED that the Legislative Reference
38 Bureau is requested to submit the study, including findings,
39 recommendations, and any proposed legislation, to the
40 Legislature no later than twenty days before the convening of
41 the Regular Session of 2022; and

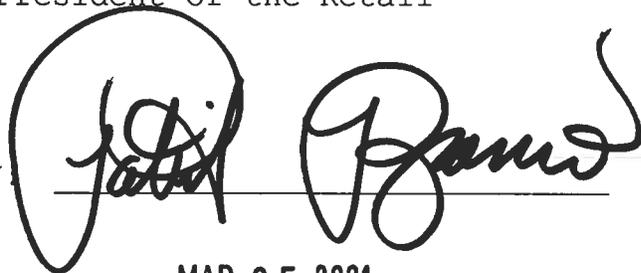


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1 BE IT FURTHER RESOLVED that certified copies of this
2 Resolution be transmitted to the Director of the Legislative
3 Reference Bureau, President and Chief Executive Officer of The
4 Chamber of Commerce Hawaii, and President of the Retail
5 Merchants of Hawaii.

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OFFERED BY



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