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# HOUSE CONCURRENT 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



1 WHEREAS, in addition, federal and state lawmakers are  
2 considering protective legislation for COVID-19-related claims  
3 and business liability protection legislation is before Congress  
4 and some state legislatures; and  
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6 WHEREAS, despite potential legislation, the current  
7 COVID-19 legal landscape and options related to liability  
8 protections for businesses remain unclear; now, therefore,  
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10 BE IT RESOLVED by the House of Representatives of the  
11 Thirty-first Legislature of the State of Hawaii, Regular Session  
12 of 2021, the Senate concurring, that the Legislative Reference  
13 Bureau is requested to conduct a study on business liability  
14 protections related to COVID-19-related claims; and  
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16 BE IT FURTHER RESOLVED that the study include:  
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18 (1) Surveying modifications enacted by the federal  
19 government and other states to business liability  
20 protections and workplace safety guidance and  
21 directors in response to COVID-19; and  
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23 (2) Comparing existing Hawaii laws relating to business  
24 liability protections and workplace safety guidance  
25 and directives with similar federal and state laws;  
26 and  
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28 BE IT FURTHER RESOLVED that the Legislative Reference  
29 Bureau is requested to submit the study, including findings,  
30 recommendations, and any proposed legislation, to the  
31 Legislature no later than twenty days prior to the convening of  
32 the Regular Session of 2022; and  
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34 BE IT FURTHER RESOLVED that certified copies of this  
35 Concurrent Resolution be transmitted to the Director of the  
36 Legislative Reference Bureau, President and Chief Executive  
37 Officer of The Chamber of Commerce Hawaii, and President of the  
38 Retail Merchants of Hawaii.

