

WRITTEN TESTIMONY BEFORE THE HOUSE CIVIL JUSTICE COMMITTEE
PROPONENT TESTIMONY ON SUBSTITUTE H.B. 606

Chairman Hambley, Vice Chair Patton, Ranking Member Brown, and members of the House Civil Justice Committee, thank you for the opportunity to provide written testimony on H.B. 606, a bill that would provide civil liability protections to Ohio businesses, healthcare providers, and their employees during the unprecedented COVID-19 crisis.

By way of background, the Ohio Business Roundtable (OBRT) was established in 1992 for one sole purpose: to improve Ohio's business climate. Since its inception, the OBRT has worked with Ohio's governors and legislative leaders to make Ohio more business-friendly and more competitive both nationally and internationally. The Roundtable is a nonpartisan, nonprofit organization comprised of chief executive officers of many of Ohio's largest, most successful employers. Because of the collective expertise and insights of OBRT members, the Roundtable is uniquely capable of bringing solutions to improve Ohio's economic vitality and ensure that Ohio remains the ideal state in which to live, work and succeed.

So many businesses around the state are faced with dire economic circumstances. Combatting frivolous lawsuits will only serve to compound their economic peril. A lack of legal protections from COVID-19 lawsuits presents an obstacle to fully re-opening Ohio's economy, as businesses are fearful of a future lawsuit claiming they opened too soon. Furthermore, many of our Members were classified as "essential" by the State and remained open to provide necessary services to their communities. We should not send the wrong message by penalizing these businesses that are on the frontlines of the fight against this virus.

The Ohio Business Roundtable applauds Representative Diane Grendell and Representative Bill Seitz for their leadership on this important issue. And we applaud this committee for its recognition that this is an issue that needs to be resolved. While this bill represents a great starting point, we would offer a few suggestions that our members believe would significantly improve the bill.

First, we believe it is important to provide immunity protections for manufacturers that stepped up to the challenge and changed their product lines to produce critical PPE for frontline workers. Second, we would encourage the committee to bar civil suits against employers unless there is clear and convincing evidence of intentional or willful or wanton misconduct. In addition, we respectfully seek clarity that the Director of Health's Orders do not create a new duty or standard of care. Finally, we believe it is important to add that service providers should not be liable for actual or alleged exposure to an illness as a component of the bill, in order to head off an onslaught of lawsuits on the front end. All of these suggested changes were

included in the Substitute Senate Bill 308, which also attempts to provide liability protections for Ohio businesses and healthcare institutions.

Thank you for allowing the Ohio Business Roundtable to provide testimony in support of H.B. 606. We respectfully ask that the Committee consider our suggested revisions and approve this important legislation.

Sincerely,

Michael McLean
Director of Policy
Ohio Business Roundtable