

May 12, 2020

The Honorable John Eklund
Chair, Judiciary Committee
Ohio Senate
Columbus, OH 43215

Dear Mr. Chairman:

On behalf of The Ohio Society of CPAs' 27,000 members, we are writing in strong support of Senate Bill 308, which seeks to provide COVID-19 liability protections to Ohio businesses such as healthcare providers, non-profits, manufacturers and others that provide goods and services in our great state.

OSCPA supports provisions in this bill that address legal exposure now faced by our state's frontline healthcare providers, but our comments today are focused on provisions in this legislation that provide targeted legal protections for businesses, manufacturers, non-profit organizations and others that have been providing essential goods and services during the pandemic or are reopening their doors to employees, customers and guests in compliance with recent Ohio Department of Health orders.

For the past several months, Ohio CPAs have had a firsthand view of the dire financial circumstances so many Ohio businesses have endured through no fault of their own. Essential service providers have worked hard to protect employees and customers alike by following frequently evolving mandates and best practices; others that were forced to shut down operations have struggled to survive long enough to reopen their doors and bring back employees. Ohio now needs to protect these large and small businesses – the lifeblood of Ohio's economy – from frivolous lawsuits due to exposure or contraction related to an illness; in this case, COVID-19. We all know that there is no cure yet for this virus, so it will be an issue for some time to come.


Having no legal protections from coronavirus lawsuits presents an obstacle to many segments of Ohio's economy. For example:

- Essential businesses that remained open could face litigation related to exposure or contraction despite following state requirements and best practices that changed over time.
- Businesses where operations were limited or shut down now must be fearful of a future lawsuit claiming they opened too soon and therefore exposed people to the virus in their facility.
- Manufacturers that stepped up to change operations to produce critically needed PPE now are exposed to claims of exposure or contraction of the virus related to their new PPE product.

The reality is that having no clear legal protections from potential coronavirus lawsuits presents an obstacle to a business's continued success because by the very nature of this invisible virus, every customer and employee is a potential plaintiff. The risk of an onslaught of virus-related lawsuits is high, and the cost of defending even a single lawsuit could force an already struggling small business to permanently close. Senate Bill 308 addresses those concerns by providing that a person who provides services during a declared disaster is generally not liable if someone is exposed to an illness when providing those services. This liability protection would not apply if the person or business acted in an intentional, willful or wanton manner.

Thank you for your consideration. We urge your support of this important legislation and would be happy to provide additional information if needed.

Sincerely

Handwritten signature of Scott D. Wiley in black ink.

Scott D. Wiley, CAE
President & CEO

Handwritten signature of Barbara J. Benton in black ink.

Barbara J. Benton, CAE
Vice President, Government Relations

CC: Members, Senate Judiciary Committee