

**Senate Judiciary Committee  
House Bill 606  
Interested Party Testimony  
June 24, 2020**

Chairman Eklund, Vice Chair Manning, Ranking Member Thomas and members of the Committee, on behalf of The Ohio Society of CPAs' 27,000 members, thank you for the opportunity to share our views on House Bill 606, which seeks to provide COVID-19-related liability protections to Ohio businesses, health care providers and others that provide goods and services in our great state. I'm Barbara Benton, vice president of government relations for OSCPA.

H.B. 606 addresses legal exposure now faced by our state's critical 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 claims of exposure and contraction related to 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 the virus despite following state requirements and best practices that changed over time, and businesses that are now reopening must be fearful of a future lawsuit claiming they exposed people to the virus in their facility.

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.

OSCPA truly appreciates the efforts to date on this important legislation, though we encourage the Committee to make two changes as recommended by the Ohio Alliance for Civil Justice:

- Remove language making COVID-19 an occupational disease for workers' compensation purposes. This provision creates a presumption for certain workers that COVID-19 was contracted in the course of and arising from their employment. This approach is contrary to current workers' compensation law which places the burden on a claimant to prove that an occupational disease was contracted at work. We believe the current workers' compensation system already provides a remedy for employees and employers alike.
- Adopt a technical change replacing the phrase "intentional conduct" with "intentional misconduct" in lines 1179 and 1237. This is consistent with terms used in Senate Bill 308.

Thank you for your consideration. After making the suggested changes, we urge you to pass this important legislation and would be happy to provide additional information if needed.