



June 29, 2020

Chairman Eklund, Ranking Minority Member Thomas, and members of the Senate Judiciary Committee:

The Ohio Metro Chambers Coalition writes to express our continued support for legislation to enact temporary and targeted qualified immunity from tort liability for Ohio businesses against COVID-19 related law suits, except where exposure was caused by reckless or intentional conduct or with willful or wanton misconduct.

To weather the storm raged by COVID-19, small business owners have been forced to cut their own pay, furlough and lay off workers, slash budgets, and change their business models. Unfortunately, some have permanently shuttered their doors. The federal stimulus packages have been extremely helpful in pumping much-needed revenue into the hands of many struggling small businesses. Actions taken by the Ohio General Assembly, such as delayed tax filings, amendments to the 20-day occasional entrant rule, and licensure extensions included in Am. Sub. H.B. 197, have also eased their burdens at a pivotal time.

Businesses are eager to regain a sense of normalcy. Jobs must be restored; businesses must safely reopen to workers and the public; the economy must gain momentum. In order to do so, responsible businesses need reassurance that they will not be at further financial risk by the threat of litigation.

The cost of even *threatened* litigation has a real and significant risk of closing down even more businesses. This fear is not unfounded, as numerous lawsuits relating to COVID-19 have already been filed in the state of Ohio and nationally. Small businesses are especially disadvantaged by having to pay the cost to defend a lawsuit, as they do not have in-house counsel and must retain costly legal representation. Now more than ever before should we make every effort to keep the engines of Ohio's economy fueled.

Chamber members are committed to ensuring the health and safety of their employees and customers and within their places of business. Our Chambers are actively educating and encouraging businesses to follow state and federal safety guidelines, and are promoting best practices amongst our memberships. And businesses are overwhelmingly compliant. Employees and patrons already have a remedy for addressing the actions, or failure to act, of bad actors by filing a complaint with OSHA or their local health department.

These protections are not only supported by the business community, but also the general public. 82% of respondents to a U.S. Chamber survey agree that employers who follow public health guidelines to protect their onsite customers should be shielded from exposure lawsuits, except from cases of gross negligence, as proposed by this legislation.

As you know, the House has not acted on S.B. 308 and instead passed H.B. 606. We support the legal protections both bills provide employers from lawsuits alleging someone was exposed to the coronavirus while at a business or through a company's provision of services.

However, we echo the position of the Ohio Chamber and also request elimination of a problematic amendment that was added to H.B. 606 on the House floor to create a presumption under Ohio Workers' Compensation Law, that first responders and employees of retail food establishments and food processing establishments who contract COVID-19, contracted the disease in the course of and arising from their employment. This would automatically make these employees eligible for workers' compensation benefits, and shift the burden of proving otherwise to the employer. This presumption is unnecessary, as Ohio's current occupational disease statute already makes employees eligible to receive workers' compensation benefits for a COVID-19 diagnosis.

Passage of targeted and temporary immunity from liability for COVID-related litigation is an integral step towards achieving economic recovery. We respectfully request the Senate act swiftly to remove this amendment and advance H.B. 606 out of committee and for a vote of the full Senate.

Thank you for your consideration.

Sincerely,



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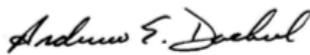
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