

May 11, 2020

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

Dear Mr. Chairman,

The American Property Casualty Insurance Association (APCIA) is pleased to add its support to the wide range of business and civic organizations endorsing Senate Bill 308. The COVID-19 crisis represents an unprecedented state and national emergency and presents both health and economic challenges that require the legislative safeguards secured in this legislation.

The emergency circumstances impacting Ohio require professionals and entities to respond in ways unthinkable just weeks ago. These Ohioans, in their normal course of serving and sustaining the public, have put their personal security and the welfare of their business or organization at risk. They have often stepped beyond the scope of their normal activities to provide services and products in sustaining the public.

APCIA applauds Senator Huffman for protecting the health care professionals and first responders who are providing crucial services from abusive litigation. This bill appropriately recognizes the significant contributions of a broad range of businesses and professionals, as these workers and entities provide crucial services in an array of frontline roles.

Those supporting the state's recovery from this emergency should not be hampered in their responses by fear of abusive litigation. Hundreds of lawsuits have already been filed in the weeks since this crisis began and the threat to Ohio's speedy and full recovery from an avalanche of litigation is real. It is in the state's interest to provide appropriate protection to those supplying services to the public both within and outside their normal course of their business.

In these polarized times, it is rare to find such overwhelming public support for legislative initiatives such as that being pursued in Ohio. A U.S. Chamber of Commerce-sponsored poll by Public Opinion Strategies, published on May 5, indicates more than 80 percent national support for liability protection for businesses like groceries and pharmacies that have gone well beyond their normal business activities during the national and state

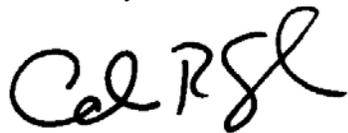
emergency. Public support for liability protection is similarly high for a wide range of other businesses and non-profit organizations serving the public.

The duration of the legislation is appropriate. It is widely recognized that following the end of the declared emergency, the health and economic threat may continue for at least six months, possibly even longer. Businesses and organizations will need the confidence to know they can seek to safely engage the public without risk of exposure to abusive litigation, even in the months following the emergency.

Finally, the type of conduct exempted from the protections of this legislation – misconduct, which is intentional, willful, or wanton – is appropriate to the current circumstance. This standard recognizes that Ohio will protect the public from “bad actors” while facilitating services by those who adhere to governmental, sectoral, or professional guidelines and standards while serving the public.

We greatly appreciate your consideration of our perspective. Please contact me directly at 847-553-3678 or via email at adam.shores@apci.org or APCIA’s Ohio counsel, Steve Buehrer at 614-365-4107 or via email at buehrer@carpenterlipps.com with any questions. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "A. R. Shores". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Adam R. Shores