



January 7, 2021

Dear Senator:

The undersigned organizations urge you to quickly enact targeted liability relief legislation related to the COVID-19 pandemic. These crucial protections should safeguard businesses, non-profit organizations, and educational institutions, as well as healthcare providers and facilities from unfair lawsuits so that they can continue to contribute to a safe and effective recovery from this pandemic.

Right now, countless health care workers and facilities, as well as businesses and non-profit organizations of all types and sizes are open and rallying to help our state endure and emerge from this crisis.

As we work to keep our communities safe and provide for Nebraskans, we are doing our best to navigate and adhere to evolving and changing applicable guidelines. And we are concerned that, despite our best efforts we will be forced to defend against meritless lawsuits. This prospect and associated costs threaten Nebraska's social and economic recovery.

Complicating the issue, liability insurance plans are not structured to accommodate large-scale, legal exposure due to a pandemic, and many small businesses are already struggling to keep their doors open. While a federal legislative solution is preferable, Congress remains at an impasse on a relief plan anticipated to provide employer liability protections.

We ask that you quickly enact targeted liability protections for: (1) businesses, municipalities, political subdivisions and non-profit organizations that work to follow applicable public health guidelines against COVID-19 exposure claims; (2) schools and educational institutions that have put tremendous time and resources into complying with health directives and guidance while also keeping students in the classroom; and (3) healthcare workers and facilities providing critical COVID-19-related care and services. In addition to being targeted, we believe that these liability protections should be limited in scope and preserve recourse for those harmed by truly bad actors who engage in egregious misconduct.

The need for liability protections and relief is clear. Several governors and state legislatures have already implemented COVID-19-related liability protections in their states. Now is the time for Nebraska to take strong action to stop a growing wave of lawsuits from getting in the way of what we all want and need: healthy citizens and a strong economy.

A sufficient remedy would:

- ✓ Support compliance with applicable safety standards and regulations.
- ✓ Safeguard the right to file claims of gross negligence and willful misconduct.
- ✓ Restrict civil actions alleging injury resulting from COVID-19 exposure to only those claims involving a serious injury or death.
- ✓ Reinforce protection for healthcare workers providing care and treatment for Nebraskans during the pandemic.
- ✓ Sunset when the legal risk due to COVID-19 is lessened after a reasonable period of recovery.

We ask you to support legislation with these measures.

Sincerely,



