

**AMENDMENT TO THE AMERICAN RESCUE PLAN**  
**ACT OF 2021**  
**OFFERED BY MR. BUDD OF NORTH CAROLINA**

Add at the end of title VI the following:

1 **SEC. 6007. LIABILITY EXEMPTION FOR BUSINESSES AND**  
2 **COVID-19 MEDICAL ENTITIES.**

3 (a) PURPOSE.—The purpose of this section is to pro-  
4 vide for an exemption from liability arising from claims  
5 arising from an individual contracting of COVID-19 as  
6 a result of patronage of a business or health care entity  
7 during such time as a national health emergency exists.

8 (b) EXEMPTION.—

9 (1) IN GENERAL.—During the covered period,  
10 no business or COVID-19 medical entity shall be  
11 liable for any damages arising from a claim arising  
12 from or relating from an individual’s contracting of  
13 COVID-19 if the business or COVID-19 medical  
14 entity was—

15 (A) operating in a fashion consistent with  
16 any applicable State or Federal guidelines or  
17 requirements on reopening; and

18 (B) using measures outlined by the Cen-  
19 ters for Disease Control and Prevention or any

1 other State or Federal agency to mitigate the  
2 potential spread of COVID–19, including re-  
3 quiring individuals to wear face coverings, sani-  
4 tizing the workplace, practicing social  
5 distancing, and using temperature checks.

6 (2) EXCEPTION.—This subsection shall not  
7 apply to a business or COVID–19 medical entity  
8 that a court has determined to have acted grossly  
9 negligent.

10 (c) DEFINITIONS.—In this section:

11 (1) BUSINESS.—The term “business”—

12 (A) means any entity organized as corpora-  
13 tion, partnership, limited liability corporation,  
14 limited liability partnership, sole proprietorship,  
15 farming cooperative, or any other corporate  
16 structure recognized by the State in which the  
17 business is domiciled; and

18 (B) includes any nonprofit organization or  
19 educational institution.

20 (2) COVERED INDIVIDUAL.—The term “covered  
21 individual” means—

22 (A) any invitee or licensee, as defined by  
23 the tort law of the State in which the business  
24 or COVID–19 medical entity is domiciled or  
25 does business;

1 (B) any employee, contractor, or other in-  
2 dividual providing services to a business or  
3 COVID-19 medical entity; or

4 (C) any other person who enters or other-  
5 wise visits or avails themselves of the services  
6 provided by a business or COVID-19 medical  
7 entity.

8 (3) COVERED PERIOD.—The term “covered pe-  
9 riod” means the public health emergency declared by  
10 the Secretary of Health and Human Services under  
11 section 319 of the Public Health Service Act (42  
12 U.S.C. 247d) on January 31, 2020, with respect to  
13 COVID-19.

14 (4) COVID-19 ACTION.—The term “COVID-  
15 19 action”—

16 (A) means any civil action commenced in  
17 any Federal or State court in which the alleged  
18 harm or injury to the plaintiff arises from or is  
19 related to the actual or potential contracting in-  
20 fection of COVID-19 or SARS-CoV-2; and

21 (B) does not include any action brought by  
22 a government entity in a regulatory, super-  
23 visory, or enforcement capacity.

24 (5) COVID-19 MEDICAL ENTITY.—The term  
25 “COVID-19 medical entity” means any business or

1 governmental institution that provides healthcare re-  
2 lated services for COVID–19, including treating,  
3 testing, or transportation of COVID–19 patients,  
4 manufacturing or distribution of personal protective  
5 equipment, and manufacturing, distributing, or test-  
6 ing of other healthcare equipment.

7 (6) DAMAGES.—The term “damages” means  
8 any punitive, compensatory, or general damages re-  
9 coverable under any State or Federal law.

