



Ohio Law Shields Businesses And Health Care Providers From COVID-19 Lawsuits

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This week, Ohio joined Georgia, Idaho, Nevada and Tennessee in enacting laws to provide its businesses with some protection from [civil liability related to COVID-19](#).

On Sept. 14, Ohio Governor Mike DeWine signed into law [H.B. 606](#), which temporarily shields for-profit and not-for-profit businesses, religious institutions, and individuals from state law claims and class actions related to the spread of COVID-19. Specifically, businesses in the state are protected from civil claims and lawsuits by customers, employees or others for injury, death or loss from transmission or contraction of COVID-19, except where recklessness or misconduct can be shown.

The new law states, in relevant part:

No civil action for damages for injury, death, or loss to person or property shall be brought against any person if the cause of action on which the civil action is based, in whole or in part, is that the injury, death, or loss to person or property is caused by the exposure to, or the transmission or contraction of, MERS-CoV, SARS-CoV, or SARS-CoV-2, or any mutation thereof, unless it is established that the exposure to, or the transmission or contraction of, any of those viruses or mutations was by reckless conduct or intentional misconduct or willful or wanton misconduct on the part of the person against whom the action is brought.

The new law also protects health care providers from civil liability or

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professional disciplinary action for the transmission of COVID-19 in the provision, withholding or withdrawing of health care services, emergency medical services, first-aid treatment, or other emergency professional care, except where recklessness or misconduct by the health care provider is shown.

The Ohio General Assembly's rationale for this temporary measure was that guidance on how to keep the public safe has shifted frequently. As businesses have reopened, many business owners have been unsure of best practices to avoid not only infection, but also tort liability. The Ohio General Assembly also noted that, historically, businesses have not been required to prevent public exposure to the airborne spread of a virus.

The law is retroactive to March 9, 2020 and is in effect until September 30, 2021.