

## **The “Get America Back to Work” Act of 2020**

The Get America Back to Work Act of 2020 creates a legal safe harbor from frivolous lawsuits for any person, business, nonprofit, or health care professional acting in good faith to prevent the spread of COVID-19. As cities, states, and other localities across the country begin to reopen from pandemic-related closures, many small businesses feel that the liability risk remains too high to open their doors. For these businesses in particular, a tort claim over the spread of COVID-19 may be enough to force them into bankruptcy. The Get America Back to Work Act creates a federal floor for liability protection, provided that the individual or business took reasonable steps to act in compliance with the guidance of the CDC or their local public health authority.

### **Sec. 2: Limitation on Liability (General)**

- Creates a legal safe harbor for any person acting in good faith to prevent the spread of COVID-19 from frivolous lawsuits
- Applies to individuals, business trusts, legal representatives, corporations, companies, associations, firms, partnerships, societies, joint stock companies, nonprofits, religious organizations, or any organized group of persons.
- Safe harbor does not apply in cases of:
  - Willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious flagrant indifference to the rights or safety of the individual harmed by the person or business
- Effective from Jan. 1, 2020 to 18 months after the end of the emergency declaration.

### **Sec. 3: Limitation on Liability (Health Care Professionals)**

- Creates a legal safe harbor for any health care provider or professional acting within the scope of their licensure or training.
- Safe harbor does not apply if:
  - The health care professional was under the influence of drugs or alcohol
  - The health care professional was acting outside the scope of their licensure
  - The harm constituted willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious flagrant indifference to the rights or safety of the individual harmed by the person or business
- Effective from Jan. 1, 2020 to 18 months after the end of the emergency declaration.

### **Sec. 4: Limitation on OSHA Citations and Related Penalties**

- Codifies OSHA’s current practice of not issuing citations or related penalties for potential safety violations related to the possible transmission of COVID-19 to any employer acting in good faith to prevent the spread of COVID-19 in the workplace.