

HOUSE BILL NO. 4

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES JOHNSON, Carpenter, Rauscher, Vance, McCabe, Cronk, LeBon

Introduced: 2/18/21

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act providing immunity from liability and disciplinary action for occupational**
2 **licensees for exposure of clients to COVID-19; providing immunity from liability for**
3 **persons engaging in business and their employees for exposure of customers to**
4 **COVID-19; and providing for an effective date."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 08.02 is amended by adding a new section to read:

7 **Sec. 08.02.022. Licensee liability for client exposure to COVID-19.** (a) A
8 licensee is immune from disciplinary action under this title for sickness, death,
9 economic loss, and other damages suffered by a client of the licensee from exposure to
10 novel coronavirus disease (COVID-19) in the course of the licensee's practice of the
11 licensee's trade or profession.

12 (b) To qualify for immunity under this section, a licensee must have been
13 practicing the licensee's trade or profession in substantial compliance with the
14 applicable federal, state, and municipal laws and health mandates in effect at the time

1 of the client's exposure to COVID-19.

2 (c) Immunity under this section does not apply to exposure to COVID-19
3 resulting from the gross negligence, recklessness, or intentional misconduct of a
4 licensee.

5 (d) Immunity under this section is in addition to any other immunity from
6 liability provided under state or federal law.

7 (e) In this section, "licensee" has the meaning given in AS 08.01.110.

8 * **Sec. 2.** AS 45.45 is amended by adding a new section to read:

9 **Sec. 45.45.940. Business and employee liability for customer exposure to**
10 **COVID-19.** (a) A person who engages in business and an employee of that person
11 when working in the business are immune from civil liability for sickness, death,
12 economic loss, and other damages suffered by a customer from exposure to novel
13 coronavirus disease (COVID-19) while patronizing the business.

14 (b) To qualify for immunity under this section, the person engaging in
15 business must have been operating the business in substantial compliance with the
16 applicable federal, state, and municipal laws and health mandates in effect at the time
17 of the customer's exposure to COVID-19.

18 (c) Immunity under this section does not apply to exposure to COVID-19
19 resulting from the gross negligence, recklessness, or intentional misconduct of a
20 person engaging in business or an employee of that person.

21 (d) Immunity under this section is in addition to any other immunity from
22 liability provided under state or federal law.

23 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
24 read:

25 **APPLICABILITY.** This Act applies to novel coronavirus disease (COVID-19)
26 exposure occurring on or after the effective date of this Act.

27 * **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).