



March 29, 2021

Co-Chair Gary A. Winfield
Co-Chair Steven J. Stafstrom
Senator John A. Kissel
Representative Craig C. Fishbein

Judiciary Committee:

We are submitting testimony in **support** of HB 5125, AN ACT CONCERNING THE PROVISION OF IMMUNITY FROM CIVIL LIABILITY FOR ENTITIES THAT HAVE OPERATED PURSUANT TO HEALTH AND SAFETY GUIDELINES DURING THE COVID-19 PANDEMIC.

The Connecticut Energy Marketers Association (CEMA) represents 576 energy marketers in Connecticut who sell approximately 400 million gallons of home heating oil/Bioheat® to nearly half the homes in the state, and 1.6 billion gallons of gasoline. CEMA members employ over 13,000 people.

As local family owned business designated as essential by the Center for Disease Control (CDC) we worked throughout COVID-19 to ensure that homes and businesses could stay warm and that first responders and the public could fill up when needed.

Despite economic challenges, our businesses remained open to provide critical fuel, HVACR services, food, cleaning supplies and other products to their customers. Our members modified their business operations to protect their employees and customers from contracting COVID-19.

Unfortunately, the precautions that family owned businesses took may not protect them from potential lawsuits alleging that customers or employees that may have been infected with COVID-19 got it from working or doing business with us. They cannot afford to face unfounded lawsuits that will potentially cost them tens of thousands of dollars.

Essential businesses like the ones I represent have acted as good Samaritans and should not need to worry about being sued for providing critical services during the pandemic.

The hardworking people who work for our heating oil and propane members made life saving repairs to heating equipment that was failing, and made fuel deliveries without missing a beat. Employers incurred great expense to purchase personal protective equipment (PPE) and implement COVID-19 mitigations plans to keep their employees and customers as safe as possible.

Our motor fuels members employees faced the hundreds of people every day to make sure that they had groceries and gasoline. Without these services it would have been impossible for nurses, doctors, EMT and other first responders to get to work. If the local gas station closed during the shutdown it would have had a devastating effect on the communities that they serve.

Now we are faced with the potential for litigation if someone get sick or dies from COVID. As taxpayers and employers who went to great lengths to provide our essential services as safely as possible, we need to be protected from lawsuits that could do economic harm.

While we strongly support HB 5125, we ask that the language in the bill be modified to expand the protections that the bill seeks to provide beyond just the premises of the entity. Licensed HAVC professionals and fuel delivery drivers spend very little time at our office. The vast majority of their work is at our customers home or business, which necessitates that the bill be expanded to cover work situations that are "off campus".

Please **support HB 5125, AN ACT CONCERNING THE PROVISION OF IMMUNITY FROM CIVIL LIABILITY FOR ENTITIES THAT HAVE OPERATED PURSUANT TO HEALTH AND SAFETY GUIDELINES DURING THE COVID-19 PANDEMIC with changes to accommodate essential industries that require employees to work outside the premises of the entity.**

Respectfully,



Christian A. Herb
President