

March 22, 2021

Testimony of Brian Moran

Government Affairs Director, New England Convenience Store & Energy Marketers Association

Connecticut General Assembly
Joint Committee on Judiciary

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.

Co-Chair Winfield, Co-Chair Stafstrom, and Members of the Committee:

The New England Convenience Store & Energy Marketers Association (NECSEMA) represents convenience store and gasoline retailers, independent transportation fuel distributors, and the businesses which supply them. According to the National Association of Convenience Stores, Connecticut is home to almost 1,700 convenience stores employing over 25,000 people.

NECSEMA supports HB 5125.

At the inception of the pandemic, convenience stores and gas stations were deemed by federal and state authorities as essential services. Many of our members chose to remain open so they could continue to serve their communities and neighborhoods during the state of emergency. Just like they have always done. As an industry we rose to the challenge by monitoring the daily influx of safety protocols issued by federal and state health officials, scrambled to purchase personal protective equipment, trained our employees, purchased hand sanitizer, monitored capacity and distancing, frequently disinfected surfaces and touchpoints, and constructed shields at the point of sale, and discontinued certain products to minimize transmission. These efforts were not inexpensive; however, they were unquestionably necessary to protect our employees and customers.

Against that backdrop, we appreciate the recognition and protections this bill provides for our members and their diligent and responsible efforts, by providing civil immunity against claims of transmission and sickness from COVID-19. We believe the success of our quick and continued actions described above are reflected in state contact tracing metrics, and weekly communications to the public by Governor Lamont and the Department of Public Health where they acknowledge the elevated rates of COVID-19 transmission are driven not by businesses, but by personal socialization.

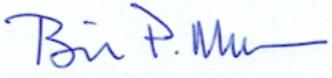
According to national tracking of employment related [COVID-19 litigation](#)¹ there are 1,807 lawsuits pending, of which 35 are in Connecticut. The necessity for this legislation is real and warranted. The resulting costs on small businesses, who will have to defend themselves against individual, or worse class action lawsuits will be significant. These lawsuits, without regard to merit, will have a significant impact on our members, especially as they attempt to recover from pandemic. This legislation is sorely needed, especially as other legislative proposals are being heard to make any COVID-19 infection or illness presumptively covered as an occupational disease thereby pre-empting causation evidence a plaintiff normally would need to provide to demonstrate workplace transmission. Doing nothing will continue to expose small businesses to misplaced and spurious litigation.

¹ <https://www.fisherphillips.com/covid-19-litigation>

We all agree that businesses or individuals, choosing not to comply with required health and safety requirements should be held accountable. This legislation does just that by not offering categoric relief and allow lawsuits to proceed against those who disregarded at their own peril the health and safety protocols prescribed in the numerous health and safety protocols issued by the Governor and health officials.

We know that the business community will continue to do our part protecting our employees and customers, and now we urge the Committee help us by **supporting HB 5125**.

Respectfully,



Brian P. Moran
Director Government Affairs
Brian@necsema.net | 781-297-9600 x5