



To Members of the Committee on Judiciary

March 22, 2021 Public Hearing

RE: H. 5125 --- Immunity from Civil Liability & COVID-19

### **STATEMENT IN SUPPORT OF H 5125**

The National Association of Mutual Insurance Companies (NAMIC)<sup>1</sup> and its members, thank you for the opportunity to express strong support of legislation referenced above and urge its swift enactment.

COVID-19 has tested America's resiliency unlike any other crisis in recent memory. Americans have rallied to protect and support one another in myriad ways. Our "frontline" workers, including healthcare professionals, first-responders, government employees, and essential workers, have been appropriately recognized for their service and sacrifice.

Likewise, professionals, businesses, institutions, and non-profits have also significantly contributed to the battle against this deadly virus by keeping Americans employed and ensuring safe access to critical goods and services. That is why this legislation "to provide immunity from civil liability to entities that have operated pursuant to health and safety guidelines during the COVID-19 pandemic" is not only fair and just, but it is also smart public policy for Connecticut.

During this past year, as communicable disease experts gained a better understanding of this virus, public health guidelines and safety protocols were modified numerous times and with significant variations. Moreover, disease experts believe that COVID-19 will not be extinguished any time soon<sup>2</sup> and thus public health guidelines will likely be amended as vaccination distribution continues and new variants of the virus are managed<sup>3</sup>. Businesses that went to great effort and considerable expense to adhere to these changing guidelines should not face the threat of unfair litigation.

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<sup>1</sup> The National Association of Mutual Insurance Companies is the largest property/casualty insurance trade group with a diverse membership of more than 1,400 local, regional, and national member companies, including seven of the top 10 property/casualty insurers in the United States. NAMIC members lead the personal lines sector representing 66 percent of the homeowner's insurance market and 53 percent of the auto market.

<sup>2</sup> [The coronavirus is here to stay — here's what that means \(nature.com\)](#) 02/16/21

<sup>3</sup> ['When will it end?': How a changing virus is reshaping scientists' views on COVID-19 | Reuters](#) 03/03/21

This legislation appropriately recognizes that businesses and other entities that “did the right thing” and comported with these fluid directives merit protection from frivolous lawsuits.

And make no mistake about it, plaintiff attorneys are busy soliciting clients and spending millions of dollars in advertising.<sup>4</sup> Recent research “shows that the smallest businesses bear a disproportionate burden of tort costs, even under more normal circumstances. As small businesses struggle to survive the pandemic, the last thing they can afford is an abusive COVID-related lawsuit.”<sup>5</sup>

In closing, this a great opportunity for Connecticut to lead where Washington has lagged. The Congress has endeavored to enact similar, nationwide legislation for a year without any success. West Virginia is poised to become the 36<sup>th</sup> state to offer liability protections for responsible organizations.<sup>6</sup> Approval of this bill would memorialize in statute that Connecticut will support business investment and job creation by granting legal protections to responsible businesses.

Thank you for your consideration.

Respectfully Submitted,

Rory Whelan

Regional Vice President, Northeast  
National Association of Mutual Insurance Companies

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<sup>4</sup> [Commentary: Lawyers ramp up advertising during COVID-19 pandemic. But why? \(msn.com\)](#)

<sup>5</sup> [Tort Liability Costs for Small Businesses - ILR \(institutelegalreform.com\)](#)

<sup>6</sup> [West Virginia COVID Liability Protections Bill Headed To Gov. Justice’s Desk - ILR \(institutelegalreform.com\)](#)