
HOUSE CONCURRENT RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY
ON BUSINESS LIABILITY PROTECTIONS RELATED TO COVID-19-
RELATED CLAIMS.

1 WHEREAS, the virus known as SARS-CoV-2 is responsible for
2 the coronavirus disease 2019 (COVID-19) pandemic that has
3 severely crippled the nation's and State's public health and
4 economy; and

5
6 WHEREAS, emergency proclamations and orders by the Governor
7 and county mayors to prevent the spread of COVID-19 include
8 safety measures and restrictions to prevent and mitigate the
9 spread of the virus, which have allowed certain businesses to
10 continue to remain open or reopen; and

11
12 WHEREAS, businesses open to provide services to the public
13 during the pandemic face significant risk, including the risk of
14 civil liability, which threatens the State's ongoing economic
15 recovery efforts; and

16
17 WHEREAS, according to the American Bar Association, there
18 is national debate over the need for business liability
19 protection from COVID-19-related lawsuits; and

20
21 WHEREAS, according to the American Bar Association,
22 business owners are concerned about the prospect of employees or
23 customers contracting COVID-19 while on business premises and
24 how that could translate into liability lawsuits; and

25
26 WHEREAS, some businesses are considering requiring their
27 customers to sign a COVID-19 liability waiver to hold the
28 business harmless if the customer contracts COVID-19 while on
29 business premises; and



1 WHEREAS, in addition, federal and state lawmakers are
2 considering protective legislation for COVID-19-related claims
3 and business liability protection legislation is before
4 Congress and some state legislatures; and
5

6 WHEREAS, despite potential legislation, the current COVID-
7 19 legal landscape and options related to liability protections
8 for businesses remain unclear; now, therefore,
9

10 BE IT RESOLVED by the House of Representatives of the
11 Thirty-first Legislature of the State of Hawaii, Regular Session
12 of 2021, the Senate concurring, that the Legislature Reference
13 Bureau is requested to conduct a study on business liability
14 protections related to COVID-19-related claims; and
15

16 BE IT FURTHER RESOLVED that the study include:
17

- 18 (1) The issues related to business liability protections
19 related to COVID-19 claims or possible claims;
20
- 21 (2) National, state, and local health and safety guidance
22 and directives to ensure a safe workplace and place of
23 business;
24
- 25 (3) Actions taken by businesses to protect themselves from
26 liability, including health and safety policies and
27 guidelines, COVID-19 protection protocols, and other
28 actions taken to provide a safe environment for
29 employees and customers;
30
- 31 (4) Actions being considered or taken federally and by
32 states regarding business liability protections
33 related to COVID-19 claims or possible claims,
34 including legislation, proclamations, and other legal
35 protections; and
36
- 37 (5) Any other safeguards for businesses; and
38

39 BE IT FURTHER RESOLVED that the Legislative Reference
40 Bureau is requested to submit the study, including findings,
41 recommendations, and any proposed legislation, to the



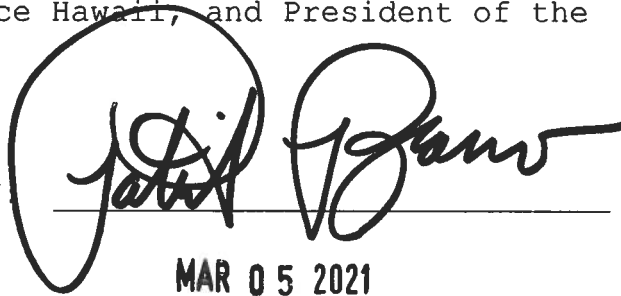
H.C.R. NO. 71

1 Legislature no later than twenty days before the convening of
2 the Regular Session of 2022; and
3

4 BE IT FURTHER RESOLVED that certified copies of this
5 Concurrent Resolution be transmitted to the Director of the
6 Legislative Reference Bureau, President and Chief Executive
7 Officer of The Chamber of Commerce Hawaii, and President of the
8 Retail Merchants of Hawaii.
9

10
11

OFFERED BY



A handwritten signature in black ink, appearing to read "J. A. I. Gano", is written over a horizontal line. The signature is stylized and cursive.

MAR 05 2021

