

**ASSEMBLY BILL**

**No. 1313**

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**Introduced by Assembly Member Bigelow  
(Coauthors: Assembly Members Davies and Fong)**

February 19, 2021

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An act to add Section 1714.27 to the Civil Code, relating to civil liability, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1313, as introduced, Bigelow. COVID-19: immunity from civil liability.

Existing law generally provides that everyone is responsible, not only for the result of their willful acts, but also for an injury occasioned to another by that person's want of ordinary care or skill in the management of their property or person, except as specified.

This bill would exempt a business, as defined, from liability for an injury or illness to a person due to coronavirus (COVID-19) based on a claim that the person contracted COVID-19 while at that business, or due to the actions of that business, if the business has substantially complied with all applicable state and local health laws, regulations, and protocols. The bill would define a business to include a sole proprietorship, partnership, corporation, association, or other group, including a nonprofit organization, as specified. The bill would not permit this exception to apply if the injury or illness resulted from a grossly negligent act or omission, willful or wanton misconduct, or unlawful discrimination by the business or an employee of the business. The bill would include related legislative findings.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:  
3 (a) California’s economic activity has plummeted in the wake  
4 of the coronavirus (COVID-19) pandemic.  
5 (b) The depth and speed of the decline rivals that of the Great  
6 Depression.  
7 (c) It is therefore imperative that we act thoughtfully and  
8 courageously to recover from this devastating toll by improving  
9 business confidence to operate.  
10 (d) Increased confidence translates to business investment,  
11 which, in turn, will help limit the economic damage caused during  
12 the crisis.  
13 (e) As businesses are the backbone of our economy and the  
14 financial engine that will allow the state to recover post-COVID-19,  
15 they need liability protection to continue serving the public and  
16 providing necessary jobs.  
17 (f) California cannot afford for businesses to delay reopening  
18 because of the fear of frivolous lawsuits.  
19 (g) This is a time to encourage entrepreneurs and support  
20 struggling enterprises.  
21 (h) California has recognized the need for protection from civil  
22 liability during times of crisis with the California Emergency  
23 Services Act (Chapter 7 (commencing with Sec. 8550 et. seq.) of  
24 Division 1 of Title 2 of the Government Code), while also allowing  
25 harmed individuals to seek redress for actions that rise to the level  
26 of gross negligence and willful misconduct.  
27 (i) It is the intent of the Legislature, through this act, to protect  
28 businesses, which continue to make significant contributions to  
29 economic development during these unprecedented times caused  
30 by the COVID-19 state of emergency.  
31 SEC. 2. Section 1714.27 is added to the Civil Code,  
32 immediately following Section 1714.26, to read:  
33 1714.27. (a) A business shall not be liable for an injury or  
34 illness to a person due to coronavirus (COVID-19) based on a  
35 claim that the person contracted COVID-19 while at that business,

1 or due to the actions of that business, whether direct or indirect,  
2 if the business has substantially complied with all applicable state  
3 and local health laws, regulations, and protocols.

4 (b) Subdivision (a) does not apply if the injury or illness resulted  
5 from a grossly negligent act or omission, willful or wanton  
6 misconduct, or unlawful discrimination by the business or an  
7 employee of the business.

8 (c) This section shall not affect any employee’s claim for the  
9 payment of workers’ compensation benefits.

10 (d) For purposes of this section, “business” means a sole  
11 proprietorship, partnership, corporation, association, or other group,  
12 however organized, and regardless of whether organized to operate  
13 at a profit, and includes a nonprofit organization qualified under  
14 Section 501(c)(3) of the Internal Revenue Code.

15 SEC. 3. This act is an urgency statute necessary for the  
16 immediate preservation of the public peace, health, or safety within  
17 the meaning of Article IV of the California Constitution and shall  
18 go into immediate effect. The facts constituting the necessity are:

19 In order to quickly protect businesses and other organizations,  
20 including nonprofit organizations, which continue to make  
21 significant contributions to economic development and security,  
22 which helps ensure public peace and safety during these  
23 unprecedented times caused by the COVID-19 state of emergency,  
24 it is necessary for this act to take effect immediately.

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