

August 4, 2020

The Honorable Robert R. Cupp  
Speaker of the Ohio House of Representatives  
77 S. High Street  
Columbus, OH 43215

**RE: Liability Protection**

Dear Speaker Cupp:

Collectively, our organizations would like to congratulate you on being chosen by your peers to lead the Ohio House of Representatives. Your service to Ohio over the years has been exemplary and we believe that your tenure as Speaker will help restore public trust in the people's house.

As such, we write to you on a matter of utmost import--to stress the importance of providing our members with appropriate liability protection from litigation arising from the coronavirus. We are urging the House to address this critical issue as soon as possible since waiting will hamper Ohio's economic recovery.

Currently, employers have reasons to hesitate before making the decision to fully reopen due to the unknown risks associated with the virus and the potential legal liability they may face in a lawsuit alleging their actions are the reason someone was exposed to COVID-19. This hesitancy is compounded by the lack of a clear statutory or common law duty since premises owners and businesses have not historically been obligated to protect customers from exposure to airborne viruses.

Similarly, protecting our health care providers for their essential work during this pandemic is critical to ensuring providers take all steps necessary to adequately respond to this health crisis. In the midst of a worldwide pandemic, Ohioans cannot afford to have their health care providers inhibited from necessary action due to fear of litigation or liability. We need our health care providers to provide essential care without fear that their actions will result in liability.

Passing legislation that tackles these issues can serve as the foundation of Ohio's economic rebound because it will give employers and health care providers more predictability about their legal risks as they operate during a pandemic. Understanding their legal risks will enable employers to bring back more of their workforce sooner and restore their revenues faster since they can take steps to rebuild their business knowing it will not result in a lawsuit.

Without legislative action, it will be left to the courts to determine if violating a single, often evolving provision of a public health order from the Ohio Department of Health, a local health department or the Centers for Disease Control and Prevention is enough to hold an employer financially responsible for a customer's exposure to the coronavirus. The uncertainty of what a judge may decide is why liability protection legislation is vitally important to restarting our state's economy.

Enacting such legislation would provide clear guidance to employers and health care providers about their legal obligations during this pandemic that will help give them the confidence necessary to fully reopen and in turn will bolster Ohio's economic recovery.

For employers who are struggling, the Ohio House can provide needed relief by reducing the chances a potential coronavirus lawsuit will derail their efforts to reopen following the pandemic. Likewise, Ohio's small businesses stand to benefit the most from enacting legal protections against coronavirus litigation because these employers often lack dedicated human resource professionals and legal teams who can ensure an employer complies with the numerous government orders that could be used as the basis to bring a lawsuit.

In closing, our organizations request quick action be taken by the Ohio House to pass liability protection legislation that will help Ohioans get back to work sooner by providing employers the confidence needed to fully reopen and providing health care providers the protections they need as they continue to rise to the occasion in response to the pandemic.

Sincerely,

*Elayne Biddlestone*, Academy of Medicine of  
Cleveland & Northern Ohio

*Laura Tiberi*, American College of Emergency  
Physicians – Ohio Chapter

*Beth Easterday*, American Council of  
Engineering Companies of Ohio

*Sherman Joyce*, American Tort Reform  
Association

*Bryan Williams*, Associated Builders &  
Contractors of Ohio

*Steve Klinker*, Associated General Contractors  
of Ohio

*Aaron Baer*, Citizens for Community Values

*Alex Fischer*, Columbus Partnership

*Joe Roman*, Greater Cleveland Partnership

*Bruce E. Johnson*, Inter-University Council of  
Ohio

*Kathryn Brod*, LeadingAge Ohio

*David Blatnik*, Manufacturing Policy Alliance

*Roger Geiger*, NFIB-Ohio

*Chris Ferruso*, Ohio Alliance of Civil Justice

*Thomas D. Stuber*, Ohio Alliance of Recovery  
Providers

*Joscelyn Greaves*, MSN, APRN, Ohio  
Association of Advanced Practice Nurses

*Jack Hershey*, Ohio Association of Community  
Colleges

*Ryan Weible*, Ohio Athletic Trainers'  
Association

*Zach Doran*, Ohio Automobile Dealers  
Association

*Michael Adelman*, Ohio Bankers League

*Kimberly McConville*, Ohio Beverage  
Association

*Pat Tiberi*, Ohio Business Roundtable

*Kevin Schmidt*, Ohio Cast Metals Association

*Andrew Doehrel*, Ohio Chamber of Commerce

*Jenn Klein*, Ohio Chemistry Technology  
Council

*Mark Mecum*, Ohio Children's Alliance

*Angela Meleca*, Ohio Citizens for the Arts

*Jeremy Simpson*, Ohio Community  
Corrections Association

*Chris Runyan*, Ohio Contractors Association

*Joe Russell*, Ohio Council for Home Care &  
Hospice

*Gordon Gough*, Ohio Council of Retail  
Merchants

*Cheryl Subler*, Ohio County Commissioners  
Association

*Paul Mercer*, Ohio Credit Union League  
*David Owsiany*, Ohio Dental Association  
*Shannon Sweeny*, Ohio Dental Hygienists Association  
*Adam Sharp*, Ohio Farm Bureau Federation  
*Mike Mathy*, Ohio Foot & Ankle Medical Association  
*Kristin Mullins*, Ohio Grocers Association  
*Pete Van Runkle*, Ohio Health Care Association  
*Michael Abrams*, Ohio Hospital Association  
*Joe Savarise*, Ohio Hotel & Lodging Association  
*Jeff Smith*, Ohio Insurance Agents Association  
*Eric Burkland*, Ohio Manufacturers Association  
*Jay Pascoe*, Ohio Mortgage Bankers Association

*Kent Scarrett*, Ohio Municipal League  
*Keith Kerns*, Ohio Optometric Association  
*Matt Harney*, Ohio Osteopathic Association  
*Dan Acton*, Ohio Real Estate Investors Association  
*Scott Williams*, Ohio REALTORS  
*John Barker*, Ohio Restaurant Association  
*Scott Wiley*, Ohio Society of CPAs  
*Jennell C. Vick*, Ohio Speech & Hearing Governmental Affairs Coalition  
*Dr. Brandy Spaulding*, Ohio State Chiropractic Association  
*Todd Baker*, Ohio State Medical Association  
*Tom Balzer*, Ohio Trucking Association  
*James Jarvis*, Ohio Vapor Trade Association  
*Beth Wymer*, Ohio Wholesale Marketers Association