



## **House Committee on Judiciary**

### **Testimony in Support of House Bill 2652- Extension of COVID liability protection**

**Presented by Eric Stafford, Vice President of Government Affairs**

**Monday, February 14, 2022**

Mister Chairman and members of the committee, my name is Eric Stafford, Vice President of Government Affairs for the Kansas Chamber. The Kansas Chamber represents small, medium and large businesses of all industry segments across the state. We appreciate the opportunity to testify in support of House Bill 2652 which extends the COVID business liability protections passed in 2020 and 2021 by the Legislature.

The first time we asked for liability protections during the pandemic, we stated that these were unprecedented times. Over that time, businesses adapted for survival. Remote work became normal. Travel was restricted or stopped all together. The Special Session of 2020 saw the Legislature pass and Governor sign, HB 2006 to address deficiencies in the emergency management act, and offer health care providers and businesses limited liability protections. The COVID-19 response and reopening for business liability protection act signed into law protected anyone conducting business in the state if such person was acting pursuant to and in substantial compliance with public health directives applicable to the activity giving rise to the cause of action.

That legislation also offered limited product liability protection for anyone who made, sold, distributes or provided a qualified product in response to the COVID-19 emergency if such actions were taken at the request of or in response to a written directive finding a public need for a qualified product issued by the Governor, Adjutant General, or Division of Emergency Management.

In 2021, SB 283 passed providing an extension of those protections until March 31, 2022. We ask this committee to consider extending these protections hopefully for the last time as proposed in this bill to January 20, 2023- the same date as HB 2477 passed earlier this year.

The liability protection language passed into law was carefully drafted to protect businesses from no-injury COVID-related litigation, while still allowing for businesses to be held responsible when acting maliciously failing to guard or warn against risk. We appreciate the previous actions by the Legislature and ask for one more extension.

In closing, we respectfully ask for your support of House Bill 2652. I am happy to answer questions at the appropriate time.