

HB 606 and SB 308 puts Ohioans who are Elderly, Disabled, Black or Low Income at Higher Risk for Illness or Death from the Coronavirus.

HB 606 and SB 308 are extreme measures that harm Ohio citizens and allow businesses to injure and kill people with no liability. The provisions of these bills include:

- All health care providers are exempt from lawsuits **and** from professional discipline for all negligent **and reckless** acts taken, or omitted, as a result of or in response to any disaster or emergency.
 - **For example, if a physician is intoxicated during a procedure to intubate a COVID-19 patient in order to place her on a ventilator, and rips open her trachea, the patient cannot sue the doctor, and more importantly, the medical board would be barred from investigating or issuing any professional discipline to that doctor.**
 - This shield from liability even applies in facilities caring for our most vulnerable populations such as the elderly (nursing homes, adult day care centers, etc.), and people with physical and mental disabilities (residential care homes and institutions and caregivers in a patient's home)
- **There is no effective end date for declared disasters and emergencies in this legislation. So, businesses could continue to harm and kill people with no repercussions forever.**
- **All** businesses cannot be held responsible regarding transmission of a coronavirus during the disaster (HB606).
 - SB308 is even broader, and bans lawsuits regarding exposure to **any** illness
 - This lawsuit ban applies whether the business follows recommended safety guidelines or not.
 - In fact, ignoring recommended safety guidelines will not allow employees or customers to hold businesses accountable
 - For example, if a grocery store sells tainted food such as lettuce contaminated with e-coli after a recall has been issued, during **any** period of disaster or emergency, it exposes its customers to a food-borne illness, but could not be sued for its negligence or recklessness in selling the recalled lettuce.

- This provision shields employers from suit for recklessly endangering the health and safety of their employees, forcing employees to choose between keeping their jobs and keeping themselves and their families safe. The Workers Compensation system will not effectively protect employees from many potential illnesses like COVID-19.
- **This provision disproportionately harms people with disabilities and unrelated health problems, the elderly, and minorities and low-income populations who are at greater risk of severe long-term illness or death if exposed to any illness.**
- SB 308 goes even further in protecting businesses from lawsuits. In this bill, all essential businesses such as grocery stores, pharmacies, manufacturers of PPE, meat processing plants, etc. are shielded from suit for **all** negligent and reckless acts or omissions taken, directly or indirectly, in providing its services during any disaster or emergency.
 - This shield from suit applies to all injuries, even those that are unrelated to COVID-19.
 - This provision shields employers from suit for recklessly endangering the health and safety of their employees, and is so broad it could even shield employers who punish or fire employees for reporting unsafe conditions.
- The bill will be retroactive to December 1, 2019, a completely random date which is more than three months *prior* to the current state of emergency declared on March 9, 2020.

For More Information Contact:

Protecting Ohio Employees (POE) and the Ohio Employment Lawyers Association

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