



## **New Alabama Law Provides Expansive Immunity from Liability for COVID-19 Claims**

Please contact our  
**Carr Allison COVID-19 Response Team**  
with any questions you may have.

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On February 12, 2021, Alabama Governor Kay Ivey signed legislation into law that provides for civil immunity for most entities related to COVID-19. Included in the legislation is protection against claims for damages by individuals who alleged that they contracted or were exposed to COVID-19 during a declared state of emergency. In addition, immunity extends to healthcare providers for services related to COVID-19.

### Covered Entities

Entities afforded protection under the new law include businesses, health care providers, educational entities, churches, government entities, cultural institutions, and any employee, agent, officer, member, director or manager of such entities. To qualify for immunity, entities should ensure that they are operating in accordance with public health guidance issued by state and federal officials regarding COVID-19.

### Retroactive Application

The law will be applied retroactively to claims filed on or after March 13, 2020. The immunity is set to expire on December 31, 2021, or one year after the COVID-19 health emergency expires.

### Immunity Exceptions

Covered entities may not be held liable for any damages, injury or death suffered by a person or entity as a result of an act or omission of such covered entity. Immunity does not apply if a claimant is able to prove “by clear and convincing evidence that the covered entity caused the damages, injury, or death by acting with wanton, reckless, willful, or intentional misconduct.” In the event such conduct is proven, damages are limited to actual economic compensatory damages. Noneconomic and punitive damages are not generally available, however, punitive damages may be awarded for wrongful death.

### Workers' Compensation Claims Not Included

The immunity provided by this law does not extend to workers' compensation claims. As such, employers may still be liable for employees who contract COVID-19 at work. Accordingly, all possible precautions should continue to be taken to prevent the spread of the virus to and/or among employees.

The text of the new law may be found at: <https://legiscan.com/AL/text/SB30/id/2289784>. If you have any questions concerning this law or any other employment or COVID-19 issue, Carr Allison's attorneys will be happy to assist.