## TITLE __: LEGAL REFORMS TO FACILITATE REOPENING

### Protections for Schools, Colleges, Charities, and Businesses

**Provides temporary protection from the trial bar for schools, colleges, charities, and businesses that follow public-health guidelines, and for frontline medical workers**

- Creates an exclusive federal cause of action for personal injuries arising from coronavirus exposure allegedly caused at a school, college, charity, church, government agency, or business

- Defendants are liable only if they failed to make reasonable efforts to follow applicable public-health guidelines and committed an act of gross negligence or intentional misconduct.

- Imposes procedural rules including concurrent federal jurisdiction over all claims covered by the statute, heightened pleading standards, clear-and-convincing-evidence burden of proof, and damages caps.

- Cause of action and procedural rules sunset the later of the end of the COVID-19 PREP Act Declaration or 2024.

**Provides temporary protections from the trial bar for frontline healthcare workers**

- Creates an exclusive federal cause of action for medical liability claims arising out of the provision of care for coronavirus, or services provided as a result of coronavirus, by licensed healthcare facilities and healthcare workers.

- Limits liability only to gross negligence and intentional misconduct.

- Imposes procedural rules including concurrent federal jurisdiction over all claims covered by the statute, heightened pleading standards, clear-and-convincing-evidence burden of proof, and damages caps.

- Cause of action and procedural rules sunset the later of the end of the COVID-19 PREP Act Declaration or 2024.

**Provides protection from federal labor and employment laws for employers who follow public health guidelines**

- Protects employers from liability and from agency investigation under federal labor and employment laws for actions taken to comply with stay-at-home orders and other public-health guidance.

- Protects employers from liability for injuries arising from workplace coronavirus testing.

- Provides that a business who provides training, PPE, or other assistance to an independent contractor or to a franchisee's employee does not convert the independent contractor or franchisee's employee into the employee of the person providing the training, PPE, or other assistance.

- Amends the WARN Act of 1988 to provide employers flexibility in light of the sudden economic dislocation caused by the coronavirus.

## Updates to the PREP Act

- Limits liability for new products, such as types of PPE, if they meet certain FDA requirements.

- Clarifies liability protections based on methods of distribution of countermeasures.