

## Tennessee Governor Signs COVID-19 Liability Shield into Law

**August 18, 2020**

Tennessee Governor Bill Lee signed the Tennessee COVID-19 Recovery Act into law on Monday, August 17, 2020. The Act protects businesses, healthcare providers, schools, non-profits, and other entities and individuals from liability for damages in legal actions involving COVID-19, unless the claimant proves by clear and convincing evidence that the business, healthcare provider, school, non-profit, entity, or individual proximately caused the loss, damage, injury, or death by an act constituting gross negligence or willful misconduct. This protection was a legislative priority of the Tennessee business community.

### MEET THE AUTHOR



**P. Maxwell "Max" Smith**  
Counsel  
Nashville, Tennessee Office  
[msmith@fordharrison.com](mailto:msmith@fordharrison.com)  
P: 615-574-6708

Several other states have passed similar legislation or issued executive orders shielding businesses from liability, including neighboring states [Georgia](#), [Alabama](#), and Arkansas. Businesses are protected from COVID-19 related lawsuits brought by customers, the public and employees. Employees may still bring workers' compensation claims. The Act does not affect an employee's right to file complaints about workplace safety with the Tennessee Occupational Safety and Health Administration (TOSHA) or OSHA.

As further protection under the Act, any claimant alleging COVID-19 liability must file a verified complaint pleading specific facts outlining the defendant's purported gross negligence or willful misconduct. The claimant must also file a certificate of good faith stating the claimant or claimant's counsel has consulted with a physician licensed in Tennessee or a bordering state, and the physician has provided a signed written statement that the physician is competent to express an opinion on exposure or contraction of COVID-19 and that physician believes the alleged damage was caused by an alleged act of the defendant. Failure to comply with these requirements subjects the action to dismissal with prejudice.

The Tennessee COVID-19 Recovery Act became effective upon Governor Lee's signature. The Act applies to all claims arising from COVID-19, except those for which a complaint was already filed on or before August 3, 2020.

If you have any questions regarding this Alert, please contact the author, [P. Maxwell Smith](#), counsel in our Nashville office, at [msmith@fordharrison.com](mailto:msmith@fordharrison.com). You may also contact the FordHarrison attorney with whom you usually work.

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Please see our dedicated [Coronavirus Taskforce](#), [Coronavirus – CARES Act](#), and [Coronavirus - Return to Work](#) pages for the latest FH Legal Alerts and webinars on COVID-19, the new American workplace, workplace-related provisions of the CARES Act, as well as links to governmental and industry-specific resources for employers to obtain additional information and guidance. For more information or to be connected with a Coronavirus Taskforce or CARES Act attorney, please contact [clientservice@fordharrison.com](mailto:clientservice@fordharrison.com).