

# COVID-19: Chart of State Immunity Statutes

Jurisdiction	Creates a cause of action for COVID-19 exposure	Creates broad immunity for COVID-19 exposure	Compliance with federal, state, or local guidelines establishes immunity	Exceptions to immunity	Immunity applies to businesses	Immunity explicitly applies to premises owners or accommodations providers	Immunity explicitly applies to PPE manufacturers or distributors	Immunity explicitly applies to healthcare providers	Special provisions apply to healthcare providers	Limits recovery to economic damages	Currently in effect	Other notes
<a href="#">Alabama</a>	X	✓	✓ <sup>2</sup>	Wanton, willful, reckless, or intentional misconduct	✓	X	X	X	X	✓ <sup>4</sup>	✓	
<a href="#">Alaska</a>	X	X	X	Gross negligence, recklessness, or intentional misconduct	X	X	X	✓	✓	X	✓	
<a href="#">Arizona</a>	X	X	X	Gross negligence or reckless or willful misconduct	X	X	X	✓	✓	X	✓	
<a href="#">Arkansas</a>	X	✓	✓ <sup>1</sup>	Willful, intentional, or reckless misconduct resulting in injury or damages	✓	✓	X	✓	✓	X	✓	Immunity for healthcare providers addressed separately in E.O. 20-34.
<a href="#">Connecticut</a>	X	X	X	Crime, fraud, malice, gross negligence, willful misconduct, false claim or prohibited act	X	X	X	✓	✓	X	✓	
<a href="#">District of Columbia</a>	X	X	X	Crime, actual fraud, actual malice, recklessness, breach of contract, gross negligence, willful misconduct, or acts unrelated to patient care	X	X	X	✓	✓	X	✓	Also applies to volunteers.
<a href="#">Federal (Senate Republican proposal)</a>	✓	✓	✓	Gross negligence or willful misconduct resulting in plaintiff's personal injury	✓	✓	X	✓	✓	✓ <sup>3</sup>	X	Does not preempt/supersede state laws that impose stricter limits on damage recovery or provide greater protections to defendants.
<a href="#">Georgia</a>	X	✓	X	Gross negligence, willful and wanton misconduct or reckless/intentional infliction of harm	✓	X	X	✓	✓	X	X	Premises must post an "assumption of the risk" warning at entrance.
<a href="#">Hawaii</a>	X	X	X	Willful misconduct, gross negligence, or recklessness	X	X	X	✓	✓	X	✓	
<a href="#">Idaho</a>	X	✓	X	Intentional tort or willful or reckless misconduct	✓	X	X	X	X	X	✓	

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<a href="#">Illinois</a>	X	X	X	Gross negligence or willful misconduct	X	X	X	✓	✓	X	✓	Also applies to volunteers
<a href="#">Iowa</a>	X	✓	✓	Intent to cause harm, actual malice, or relates to a minimum medical condition	✓	✓	✓	✓	✓	X	✓	
<a href="#">Kansas</a>	X	✓	✓	X	✓	X	✓	✓	✓	X	✓	Special provisions for adult care facilities.
<a href="#">Kentucky</a>	X	X	X	Failure to act in an ordinary, reasonable, and prudent manner	X	X	✓	✓	✓	X	✓	
<a href="#">Louisiana</a>	X	✓	✓	Gross negligence or wanton or reckless misconduct	✓	X	✓	X	X	X	✓	Also applies to event organizers/promoters. Outside of workers' compensation, employees only have claims against employers for intentional exposure.
<a href="#">Michigan</a>	X	X	X	Gross negligence	X	X	X	✓	✓	X	✓	
<a href="#">Massachusetts</a>	X	X	✓	(1) Gross negligence, recklessness or conduct with an intent to harm or discriminate; (2) consumer protections actions brought by the AG; (3) false claims actions brought by the commonwealth	X	X	X	✓	✓	X	✓	Applies only to healthcare providers and volunteer organizations. Includes good faith requirement for healthcare providers.
<a href="#">Mississippi</a>	X	✓	✓	Actual malice or willful, intentional misconduct	✓	✓	✓	✓	✓	X	✓	
<a href="#">Nevada</a>	X	X	X	Willful misconduct, gross negligence, or bad faith	X	X	X	✓	✓	X	✓	Treats healthcare providers and emergency responders like agents of the state for liability purposes.

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<a href="#">New Jersey</a>	X	X	X	Crime, actual fraud, actual malice, gross negligence, recklessness, or willful misconduct	X	X	X	✓	✓	X	✓	
<a href="#">New York</a>	X	X	X	Willful or intentional criminal misconduct, gross negligence, reckless misconduct, or intentional infliction of harm	X	X	X	✓	✓	X	✓	Also applies to volunteers.
<a href="#">North Carolina</a>	X	✓	X	Gross negligence, willful or wanton conduct, or intentional wrongdoing	✓	✓	X	✓	✓	X	✓	Premises owners subject to notice requirements. Healthcare providers addressed separately in S.B. 704.
<a href="#">Ohio</a>	X	✓	X	Reckless conduct or intentional, wanton, or willful misconduct	✓	X	X	✓	✓	X	X	
<a href="#">Oklahoma</a>	X	X	✓	X	✓	X	X	✓	✓	X	✓	Healthcare providers addressed separately in S.B. 300.
<a href="#">Pennsylvania</a>	X	X	X	Willful misconduct or gross negligence	X	X	X	✓	✓	X	✓	Treats healthcare providers and like agents of the state for liability purposes
<a href="#">Rhode Island</a>	X	X	X	Willful misconduct, gross negligence, or bad faith	X	X	X	✓	✓	X	✓	Extends immunity for “disaster response workers” in § 30-15-15 to healthcare workers.
<a href="#">South Carolina</a>	X	✓	✓	Knowingly reckless, willful or intentional misconduct; or by failing to make any attempt to adhere to Public Health Guidance	✓	X	X	✓	X	X	✓	

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<a href="#">Tennessee</a>	X	✓	X	Gross negligence or willful misconduct that must be proved through clear and convincing evidence.	✓	X	X	X	X	X	✓	A plaintiff must file a certificate of good faith that the plaintiff or plaintiff's counsel has consulted with a Tennessee physician, or a physician from a bordering state, and the physician has provided a written statement that the alleged injuries were caused by an act or omission of the defendant(s).
<a href="#">Utah</a>	X	✓	X	Willful misconduct or reckless/intentional infliction of harm	✓	✓	X	✓	✓	X	✓	Healthcare providers addressed separately in <a href="#">S.B. 3002</a> .
<a href="#">Vermont</a>	X	X	X	Willful misconduct or gross negligence	X	X	X	✓	✓	X	✓	
<a href="#">Virginia</a>	X	X	X	Gross negligence or willful misconduct	X	X	X	✓	✓	X	✓	
<a href="#">Wyoming</a>	X	X	✓	Gross negligence or willful or wanton misconduct	✓	X	X	✓	X	X	✓	

<sup>1</sup> Compliance creates a presumption that no other exception applies, but that presumption can be overcome

<sup>2</sup> Only applies to causes of action accrued before the law's effective date

<sup>3</sup> Limited punitive damages available for intentional torts

<sup>4</sup> Only punitive damages available in wrongful death cases