



BUSINESS & INDUSTRY ASSOCIATION
New Hampshire's Statewide
Chamber of Commerce

May 5, 2020

The Honorable Christopher Sununu
Governor of New Hampshire
107 North Main Street
Concord, NH 03301

Dear Governor Sununu:

As you and state policy leaders focus on “reopening” New Hampshire’s economy, BIA has focused a great deal of its attention on a key issue that will impact the speed with which businesses reopen or return to pre-pandemic operations. That issue is liability exposure from COVID-19-related litigation. Absent some type of protection or legal “safe harbor,” similar to what hospitals, nursing homes and other long-term care providers already receive, enterprises of all shapes and sizes will find themselves targeted with lawsuits related to the spread of COVID-19, even if they make good faith efforts to prevent its spread. This will deter some businesses from reopening and others from returning to pre-pandemic operations, exactly the opposite of what policy makers hope to achieve.

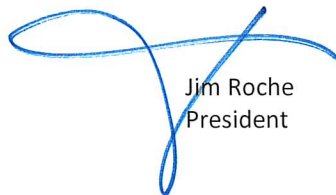
While discussion about liability protection for businesses is taking place at the federal level, there is no consensus or agreement. Businesses in New Hampshire do not have the luxury to wait and hope something is achieved there. A BIA working group of business leaders and some of the best legal minds in the state has been researching this issue, including what other states in New England, and elsewhere are considering, and drafted language for legislation here in New Hampshire to create liability protections for New Hampshire enterprises.

Attached you will find our draft language that creates a legal safe harbor for businesses from COVID-19 related litigation. It’s important to note this language is focused on helping businesses who have made, and continue to make, good faith efforts to comply with state and federal COVID-19 related guidelines to keep their employees and customers safe. It’s not intended to protect “bad actors.”

We urge you Governor Sununu, to use this or similar language **to declare an emergency order to protect businesses** struggling to reopen, or stay financially viable, **from unnecessary legal action**. Issuing such an order will give the legislature the time it will need to settle on permanent language when it fully reconvenes.

Thank you for carefully reviewing BIA’s draft language to create a legal safe harbor to protect New Hampshire enterprises from COVID-19 related liability litigation. We welcome your thoughts and look forward to working with you to quickly to ensure it becomes law.

Best Regards,



Jim Roche
President

C: Attorney General Gordon MacDonald
Commissioner Jerry Little
Commissioner Taylor Caswell
Members of GOFERR Stakeholder Advisory Group
Members of Governor’s Economic Reopening Task Force

PROMOTING A HEALTHY CLIMATE FOR JOB CREATION AND A STRONG NEW HAMPSHIRE ECONOMY

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