



**HB 508**  
**COVID-19 Claim - Civil Immunity**  
**Judiciary Committee**  
**Position: Favorable**

Maryland AGC, the Maryland Chapter of the Associated General Contractors of America, provides professional education, business development, and advocacy for commercial construction companies and vendors, both open shop and union. AGC of America is the nation’s largest and oldest trade association for the construction industry. AGC of America represents more than 27,000 firms, including over 6,500 of America’s leading general contractors, and over 9,000 specialty-contracting firms, all through a nationwide network of chapters. Maryland AGC supports HB 508 and respectfully urges the bill be given a favorable report.

HB 508 provides immunity from civil liability for claims related to COVID-19 for all “persons” who follow applicable federal, State, and local statutes, rules, regulations, executive orders, and agency orders related to COVID-19, so long as the person’s actions do not amount to gross negligence or intentional wrongdoing. An isolated, minor deviation from strict compliance with COVID-19 rules and regulations does not deny a person this immunity if the deviation is not related to the plaintiff’s injuries.

The COVID-19 pandemic has created a world of uncertainty for all employers with regard to suits by employees, customers, or others alleging that a particular employer’s actions or inaction related to COVID-19 caused the claimant injury. Given the risks inherent in the pandemic, a reasonable expectation of employers is that they act in compliance with all federal, state, and local statutes, rules, regulations, executive orders, and agency orders related to COVID–19. Given the pace at which such directives multiply and frequently conflict or overlap, an employer has a herculean task just to stay abreast of the latest authoritative guidance. However, if an employer does conform, the employer should be protected from civil liability, absent any proof that the employer was guilty of gross negligence or intentional wrongdoing.

The pandemic should not become a hunting ground where eager claimants and their attorneys search out and destroy employers who are in compliance with all governmental requirements and guidance. That not only would be unjust, but it would undermine the incentive for employers to conform their conduct to the framework set up by federal, state, and local governments and agencies. For employers who willfully refuse to met that obligation, and that failure causes injury, HB 508 leaves intact customary legal remedies.

Accordingly, Maryland AGC respectfully urges the committee to give HB 508 a favorable report.

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