Article 48.

Limited Business Immunity.

§ 66-470. Essential businesses; emergency response entities; liability limitation.

(a) Notwithstanding any other provision of law and subject to G.S. 66-471, the following entities shall have immunity from civil liability:

(1) An essential business that provides goods or services in this State with respect to claims from any customer or employee for any injuries or death alleged to have been caused as a result of the customer or employee contracting COVID-19 while doing business with or while employed by the essential business.

(2) An emergency response entity with respect to claims from any customer, user, or consumer for any injuries or death alleged to have been caused as a result of the COVID-19 pandemic or while doing business with the emergency response entity.

(b) The immunity from civil liability provided in this section shall not apply if the injuries or death were caused by an act or omission of the essential business or emergency response entity constituting gross negligence, reckless misconduct, or intentional infliction of harm. This section does not preclude an employee of an essential business or emergency response entity from seeking an appropriate remedy under Chapter 97 of the General Statues for any injuries or death alleged to have been caused as a result of the employee contracting COVID-19 while employed by the essential business or emergency response entity. (2020-3, s. 4.14(a).)

§ 66-471. Applicability.

This Article applies to acts or omissions occurring on or after the issuance of the COVID-19 essential business executive order and expires when the COVID-19 emergency declaration is rescinded or expires. (2020-3, s. 4.14(a).)

§ 66-472. Definitions.

The following definitions apply in this Article:

(1) COVID-19. – The coronavirus disease 2019.

(2) COVID-19 emergency declaration. – Executive Order No. 116 issued March 10, 2020, by Governor Roy A. Cooper, including any amendments issued by executive order, subject to extensions under Chapter 166A of the General Statutes.

(3) COVID-19 essential business executive order. – Executive Order No. 121 issued March 27, 2020, by Governor Roy A. Cooper, including any amendments issued by executive order, subject to extensions under Chapter 166A of the General Statutes.

(4) Emergency response entity. – Businesses, not-for-profit organizations, educational institutions, and governmental entities that manufacture, produce, or distribute personal protective equipment, testing equipment, or ventilators, or process COVID-19 testing results.

(5) Essential business. – Businesses, not-for-profit organizations, educational institutions, and governmental entities identified in the COVID-19 essential business executive order. The term also applies to any business that the Department of Revenue determines is essential. (2020-3, s. 4.14(a).)

§ 66-473. Severability.

This Article shall be liberally construed to effectuate the public purpose of ensuring that essential businesses can provide goods and services to the public during the COVID-19 pandemic. The provisions of this Article are severable. If any part of this Article is declared to be invalid by a court, the invalidity does not affect other parts of this Article that can be given effect without the invalid provision. (2020-3, s. 4.14(a).)