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Sixty-seventh
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1376

Introduced by

Representatives Kasper, Headland, Kempenich, K. Koppelman, Lefor, Louser, D. Ruby, Schatz, Steiner, Vigesaa

Senators Hogue, Myrdal

A BILL for an Act to create and enact a new section to chapter 32-03 of the North Dakota Century Code, relating to employer immunity regarding COVID-19; and to provide for application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 32-03 of the North Dakota Century Code is created and enacted as follows:

Employer immunity for COVID-19 - Exceptions.

1. As used in this section:
   a. "COVID-19" means:
      (1) Severe acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2; and
      (2) Any disease caused by severe acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2.
   b. "Employee" means an individual who performs a service for wages or other remuneration under a contract of hire, written or oral, express or implied. The term includes an independent contractor.
   c. "Employer" means the person that employs the employee.
2. Subject to subsection 3, an employer is immune from civil liability for damage, loss, or injury that results from an employee contracting, being exposed to, or potentially being exposed to COVID-19 during the course of employment.
3. Immunity under subsection 2 does not apply to damage, loss, or injury caused by an an employer's willful misconduct or infliction of harm.

SECTION 2. APPLICATION. This Act applies to all civil actions filed after March 1, 2021. This Act applies to claims by an employee or former employee who knew or reasonably should have known about the contraction, exposure, or potential exposure to COVID-19 before the effective date of this Act.