

Dear Senator «Last_Name»:

I write to ask for your support of SB 1239, introduced by Senator Lisa Baker. SB 1239 will provide targeted, temporary safe harbor protection from opportunistic lawsuits that seek to take advantage of the COVID-19 emergency. Time is running out to pass this legislation this year and it is urgently needed.

SB 1239 provides targeted, temporary safe harbor from liability for health care, personal protection equipment manufacturers, and businesses as they reopen and re-start Pennsylvania's economy. Without this protection, Pennsylvania, with one of the highest unemployment rates in the nation, will be impeded in its economic recovery.

For the foreseeable future, businesses will be subject to strict workplace health and safety requirements and those who follow these precautions should proceed with confidence knowing they will not be targeted with frivolous, and potentially devastating, litigation from those alleging exposure to COVID-19. Likewise, our healthcare heroes and manufacturers of personal protective equipment face unprecedented challenges and risks. Their sacrifice should not be for the enrichment of lawyers looking for a windfall from COVID-19.

On the other hand, I'm not suggesting that bad actors be protected. SB 1239 strikes the proper balance. Providing safe harbor protection for those following government guidelines provides the needed incentive for business and healthcare to follow standards to protect workers and the public. Those not following guidelines or acting in a grossly negligent manner will still be held responsible in the courts.

Across the country, there has been a rise in COVID related lawsuits alleging novel theories of liability, such as public nuisance, and seeking to use class action certification to ensure large fees for the plaintiffs' attorney. In response 18 states and the District of Columbia have enacted legislation with provisions similar to those found in SB 1239. In addition, numerous Democratic and Republican Governors have issued Executive Orders to protect healthcare heroes and businesses struggling to remain solvent during the current economic crisis.

SB 1239 is a targeted, temporary, and reasonable response to the crisis faced by healthcare, personal protection equipment manufacturers, and businesses. Please do everything in your power to see that SB 1239 passes the Senate in time for the House to send it to the Governor this session.

Sincerely,