



NEWS RELEASE

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Proposed Liability Shield for Businesses and Health Care Providers That Violate Covid-19 Requirements Would Hurt Victims and Slow Wisconsin's Return to Normal

Bill protects "bad actors," encourages them to endanger public and prolong pandemic

Madison, Wis. (Jan. 12, 2021) – Advocates for small businesses and consumers on Tuesday criticized a fast-tracked state bill authored by Wisconsin GOP legislators that would exempt businesses that violate Covid-19 requirements from legal action by consumers who were harmed.

The bill would also make health care providers such as hospitals and doctors immune from all patient lawsuits – even unrelated to Covid – during the public health emergency.

Attorney Jay A. Urban, president of the Wisconsin Association of Justice, said that businesses that follow the rules and take reasonable steps to ensure the health and safety of their employees and customers should not have to fear litigation.

“Unfortunately, this legislation takes things a dangerous step further,” Urban said. “This bill specifically gives a legal shield to businesses that refuse to follow public health orders limiting capacity and encouraging safe practices. It discourages businesses from taking basic safety precautions and protects bad actors that put their employees and customers in danger. And it extends liability protection to health care providers for harm to patients during the public health emergency – even unrelated to the coronavirus.”

The bill was approved by the Wisconsin Assembly on Thursday. On Monday, the Senate Committee on Organization held a public hearing on an amended version of the bill and recommended it for adoption on a party-line vote. The full Senate is expected to consider the amended bill on Tuesday.

Shawn Phetteplace, state manager for the Main Street Alliance, a small-business advocacy organization with over 30,000 member businesses in 13 states including Wisconsin, said the immunity clause in the bill would prolong the pandemic.

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“It is far too broad and would only encourage irresponsible employers to cut corners and costs at the expense of the health of their staff, customers and community,” Phetteplace said. “Corporate immunity via a liability shield is a giveaway to big business that hurts responsible small businesses, which are already protected under state law. Legislation should instead provide real help to small businesses that are committed to operating as safely as possible.”

Gary Witt, CEO of the Pabst Theater Group, a multi-faceted Wisconsin-based entertainment organization whose activities include booking, marketing and hosting over 700 events annually, said his industry has been 100% closed now nearly a year. “We closed for the good of our city, state and country, and we did so with the hope that other businesses would act responsibly so that we could once again open,” Witt said. “This legislation discourages businesses from following responsible rules that have been put in place by local or state government and ultimately will keep our business shuttered, possibly for good.”

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