

**TESTIMONY TO THE SENATE COMMERCE, ECONOMIC DEVELOPMENT, AND SMALL BUSINESS
COMMITTEE**

Chairwoman Kaplan, and members of the committee:

Thank you for the opportunity to provide testimony during this unprecedented pandemic and these incredibly challenging times for our economy.

New York businesses have been a critical part of our state's response to the COVID-19 Outbreak. Whether it is our frontline workers in hospitals and grocery stores, or the businesses who stepped up to make pandemic-related products like facemasks or hand sanitizer.

Tens of thousands of other businesses, employing millions of New Yorkers, stand ready to reopen. However, businesses across the state are concerned about the risk of reopening their doors. The first and most critical risk is to the health and safety of their employees and customers, but the corollary concern is about the potential liability New York's businesses may face.

In one of his first executive orders, Governor Cuomo provided liability protections to our frontline medical workers. The New York Legislature bolstered those protections by extending them to hospitals and medical care facilities. The Governor and the Legislature understood that we could not let liability stand in the way of our strong response to the pandemic.

Similarly, we cannot let liability stand in the way of our recovery. We urge the legislature to pass meaningful liability protections for businesses as they welcome employees back to work and customers back into their stores and places of business.

These liability protections should be tempered, as the initial protections were, with exceptions for gross negligence and willful misconduct. But if a business is acting in good faith, and in accordance with the latest state and local guidelines, they should not face liability if one of their employees or customers becomes infected with the coronavirus. This will not only protect workers and customers from bad actors, but it will also ensure more businesses will adhere to state and local regulations.

These simple protections will provide businesses across the state with immeasurable piece of mind. Win or lose, a single lawsuit can devastate a small business. Hundreds of lawsuits have already been filed in relation to the COVID outbreak and many more are sure to come. Lawyers are already advertising aggressively for COVID lawsuits. We must enact these protections now, before it is too late.

Reopening our economy presents unavoidable risks, but as long as a business adheres to state and local guidelines about PPE and sanitation, one of those risks should not be a devastating lawsuit. For the above reasons, we urge members of this committee to strongly recommend liability protections as part of the state's plan to reopen our economy.

Thank you for your consideration.

Sincerely,
Tom Stebbins
Executive Director
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