



**Testimony to the House Committee on Pandemic & Disaster Preparedness
Thursday, March 18, 2021 at 10:30 A.M.
Written Testimony**

**RE: HCR 71 / HR 60, REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO
CONDUCT A STUDY ON BUSINESS LIABILITY PROTECTIONS RELATED TO COVID-
19-RELATED CLAIMS.**

Chair Ichiyama, Vice-Chair Eli, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **supports** HCR 71 and HR 60 which requests the Legislative Reference Bureau to conduct a study on business liability protections related to COVID-19-related claims.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 2,000+ businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

The virus known as SARS-CoV-2, which is responsible for coronavirus disease 2019 (COVID-19) pandemic, has deeply impacted Hawaii's public health and economy. Despite these difficulties, the development and distribution of vaccines give new hope for a future free of the crushing social and economic effects of the virus. Unfortunately, for many who remain on the front lines and continue to serve our communities during this pandemic, the threat of unfair litigation continues to loom.

As the Administration strives to reopen schools, protect our health and strengthen our economy, critical protections are needed to help safeguard educational institutions, healthcare providers, businesses and non-profit organizations from unfair lawsuits.

As such, the Chamber supports these resolutions and also asks for consideration to incorporate language that asks Governor David Y. Ige to issue an Executive Order that limits civil liability similar to other states such as Arkansas¹, Mississippi² and Tennessee³, to name a few.

Thank you for this opportunity to provide testimony.

¹ https://governor.arkansas.gov/images/uploads/executiveOrders/EO_20-33.pdf

²² <https://governorreeves.ms.gov/wp-content/uploads/Executive-Order-1503-Extending-Liability-Protections.pdf>

³ <https://publications.tnsosfiles.com/pub/execorders/exec-orders-lee58.pdf>

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LEGISLATIVE REFERENCE BUREAU
State of Hawaii
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Written Comments

HCR71

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON BUSINESS LIABILITY PROTECTIONS RELATED TO COVID-19- RELATED CLAIMS

Charlotte A. Carter-Yamauchi, Director
Legislative Reference Bureau

Presented to the House Committee on Pandemic & Disaster Preparedness

Thursday, March 18, 2021, 10:30 a.m.
Conference Room 309

Chair Ichiyama and Members of the Committee:

Good morning Chair Ichiyama and members of the Committee, my name is Charlotte Carter-Yamauchi, and I am the Director of the Legislative Reference Bureau. Thank you for providing the opportunity to submit written **comments** on H.C.R. No. 71, Requesting the Legislative Reference Bureau to Conduct a Study on Business Liability Protections Related to COVID-19-Related Claims.

The purpose of this measure is to request the Legislative Reference Bureau to conduct a study on business liability protections related to coronavirus disease 2019 (COVID-19) claims. The measure requests that the study include:

- (1) The issues related to business liability protections related to COVID-19 claims or possible claims;
- (2) National, state, and local health and safety guidance and directives to ensure a safe workplace and place of business;
- (3) Actions taken by businesses to protect themselves from liability, including health and safety policies and guidelines, COVID-19 protection protocols, and

other actions taken to provide a safe environment for employees and customers;

- (4) Actions being considered or taken federally and by states regarding business liability protections related to COVID-19 claims or possible claims, including legislation, proclamations, and other legal protections; and
- (5) Any other safeguards for businesses.

The measure further requests the Bureau to submit the study, including findings, recommendations, and any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2022.

The Bureau takes no position on the merits of this measure but submits the following comments for your consideration.

With regard to the study requested of the Bureau, we note that the Bureau has no specific expertise regarding business liability protections, workplace safety guidance and directives, or COVID-19, and would therefore not be able to provide the Legislature any definitive opinion or recommendation on what specific policies should be made into law. Further, without more specificity about what is meant by "business" or the types of businesses to be included in the study (e.g., retail sales, food service, manufacturing, etc.) wide variety of businesses would prevent the Bureau from providing more than a general description of workplace safety measures taken to limit liability. We also anticipate that the sheer number of local governments in the country make it unlikely the Bureau would be able to research and review their relevant COVID-19-laws within the requested timeframe for the study. Likewise, legislative and other relevant actions being *considered* (but not enacted) by the federal government and the other forty-nine states may be too numerous for the Bureau to review to any meaningful extent.

If the scope of the requested study is narrowed to focus solely on specific types of businesses and on:

- (1) Surveying modifications enacted by the federal government and other states to business liability protections and workplace safety guidance and directives in response to COVID-19; and
- (2) Comparing existing Hawaii laws relating to business liability protections and workplace safety guidance and directives with similar federal and state laws,

then the Bureau believes that such a study would be manageable, provided that the Bureau's interim workload is not adversely impacted by too many other studies or additional responsibilities, such as conducting, writing, or finalizing other reports, drafting legislation, or

both, for other state agencies, task forces, or working groups that may be requested or required under other legislative measures.

Thank you again for the opportunity to submit written comments.



**TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII**

March 18, 2021

**Re: HCR 71 and HC 60 REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON
BUSINESS LIABILITY PROTECTIONS RELATED TO COVID-19-RELATED CLAIMS**

Good morning Chair Ichiyama and members of the House Committee on Pandemic and Disaster Preparedness. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901, RMH is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, local, national, and international retailers, chains, and everyone in between.

RMH is in SUPPORT of HCR 71 and HC 60 Requesting the Legislative Reference Bureau to Conduct A Study on Business Liability Protections Related to Covid-19-Related Claims.

This pandemic that we are facing is unprecedented. Retailers have been on the front lines from the onset to ensure that Hawaii is able to purchase the goods needed to stay and work at home. We have also tried our best to keep our customers and employees safe with social distancing, mandatory face masks, hand sanitizing stations, frequent disinfecting of high touch areas, signage and more. The vaccines are a game changer and are making everyone feel safer and hopeful that there is an end to this pandemic in sight. However, our retailers remain on the front lines everyday serving the public and there continues to be a threat and fear of unfair lawsuits aimed at business.

Businesses as well as other industries that provides products and services to the public need to be protected from unfair and furious lawsuits in order to ensure that our economy can not only recover but also thrive. We also agree and support the amendment that asks Governor David Y. Ige to issue an Executive Order that limits civil liability as done in other states.

Mahalo again for this opportunity to testify.



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

**HEARING BEFORE THE HOUSE COMMITTEE ON
PANDEMIC & DISASTER PREPAREDNESS
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 309
THURSDAY, MARCH 18, 2020 AT 10:30 A.M.**

To The Honorable Linda Ichiyama, Chair;
The Honorable Stacelynn K.M. Eli, Vice Chair; and
Members of the Committee on Pandemic & Disaster Preparedness,

SUPPORT HCR71/HR60 STUDY ON BUSINESS LIABILITY COVID-19 CLAIMS

Aloha, my name is Pamela Tumpap. I am the President of the Maui Chamber of Commerce, in the county most impacted by the COVID-19 pandemic in terms of our dependence on the visitor industry and corresponding rate of unemployment. I am writing share our support of HCR71/HR60.

Not only are businesses facing a devastating economic climate as a result of the pandemic, but they are also at risk of acing COVID-19 related lawsuits. This study will help the legislature to better understand COVID-19 related claims and see the importance of liability protections. With liability protections, businesses who are complying with state and county guidelines can avoid costly litigation and impacts on their commercial insurance.

Further, we also ask that the committee add in language that encourages Governor Ige to issue an Executive Order that limits civil liability similar to other states, such as Arkansas, Mississippi, Tennessee and more.

Mahalo for your consideration of our testimony and ask that you please pass this resolution.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.