

Dennis E, Valentine
AARP Volunteer Advocate
7649 Pineridge Terrace
Castle Pines, CO 80108

March 5, 2021

Members of the Business, Labor & Technology Committee

Re: SB 21-80 Concerning COVID-19 Civil Immunity

Dear Senators:

I am a volunteer advocate for AARP Colorado. I write this on behalf of our 665,000 members and all older Coloradans. SB 21-80 would effectively grant immunity to all persons and organizations for negligent acts or omissions related to COVID 19. All of us will be impacted by this bill, but the greatest impact will be on residents in residential care facilities and their families.

Our senior population in residential care facilities have been devastated by COVID 19. To date, nearly 2,500 residents and staff of Colorado nursing homes have lost their lives from this virus. This represents nearly 40% of COVID 19 deaths in the state despite the residents of our nursing homes representing less than 0.5 % of our population. AARP has long fought for the rights of residents in nursing homes and other residential care facilities to ensure their health, safety, quality of care, and quality of life. This includes the right of residents and their families to seek legal redress through the courts to hold facilities accountable when residents are harmed.

Nursing homes and other long term care facilities play an important role in Colorado. During this pandemic, residential care facilities face unprecedented challenges. While there may be some circumstances beyond their control, it is hard to ignore the facts. For example, the skyrocketing number of deaths and cases in October, November, and December despite months of knowledge about how to prevent infection spread, availability of personal protective equipment supplies, and tens of millions of dollars in direct Federal aid to Colorado's nursing home industry raise serious concerns. It is essential that long-term care providers, as well as health care providers more broadly, remain responsible for any negligent actions to ensure long-term care residents have some protection and opportunity for redress.

Colorado should not strip away the rights and protections of these residents. Nursing homes and other long term care facilities should know they will continue to be held responsible for providing the level of quality care that is required and for which they are being compensated. This also encourages facilities to self-correct by addressing problems to improve care.

AARP Colorado strongly opposes SB 21-80.

Sincerely,



Kelly Brough, President and CEO Denver Metro Chamber of Commerce

In support of SB 80 Protections for Entities During COVID-19

Monday March 8, 1:30pm– Senate Business Committee

Thank you, Chair Rodriguez and members of the committee, for your consideration. My name is Kelly Brough and I write today in support of SB 80 on behalf of the Denver Metro Chamber of Commerce, which represents 3,000 employers and their 400,000 employees.

As you know, the COVID-19 pandemic came as a shock to us all. Nothing has been untouched by the pandemic from our business processes to our personal lives. During this time, our members have shown flexibility, a deference to health care experts, science and creativity to keep their teams and customers safe. Employers and their employees have even served as a critical enforcer of public health requirements like the mask mandate in their places of business. This legislation recognizes the extensive work businesses have put into keeping customers safe by adjusting operations and taking measures to align with COVID-19 public health orders. Employers who have acted in this manner should be protected from lawsuits as they've done the right thing: aligned with the practices outlined by the State of Colorado.

This has certainly been a learn as you go situation, but employers who have aligned with State best practices and not acted negligently should be recognized for their work. This bill is a bipartisan, collaborative effort to do just that.

Please join us in supporting SB 80.

Senators,

I strongly urge you to oppose SB21-080.

We've already seen outbreak after outbreak at businesses across CO (and the entire USA) by businesses that didn't really seem to care about worker wellbeing. Even assuming no heartless decisionmakers, this bill would further incentivize workplaces to err on the side of lettering workers work in less-than-safe conditions if it meant more business/revenue/profit/etc.

Workers getting sick at work is bad enough, but we know that those outbreaks don't simply stay put. Infections spread from outbreaks to the broader community, putting all of us at risk.

I've had a hard time writing this testimony, because it's frankly mindboggling that we would even be considering this bill. Yes, I understand that our small businesses are also harmed by this pandemic, and that we should do what we can for small businesses. But we care about small businesses because they give us people enjoyment, income, community, etc. Risking all of our health and wellbeing to protect businesses (and this bill isn't just protecting actual small businesses) gets things completely backwards. Further, the more quickly we actually take this pandemic seriously the more quickly we get back to a more normal world. We should pass legislation to directly help people and communities in need, but this bill is not that bill.

This bill would simply incentivize businesses to further risk the health of workers and their community. If you care about your community, you must vote no on SB21-080.

Alexander Wolf-Root

On behalf of CoPIRG (Colorado Public Interest Research Group), I'm asking you to vote no on SB21-080 in the Business, Labor & Technology Committee today.

SB21-080 would render entities not liable for damages resulting from exposure, death, and more related to COVID-19 unless the claimant can prove with clear and convincing evidence that the exposure, death, or other condition resulted from the entity failing to comply with public health guidelines or that the entity is guilty of gross negligence or a willful and wanton act or omission.

SB21-080 is an unnecessary, overreaching and harmful effort to make it harder for workers and consumers to seek justice when harmed through the failure of almost any Colorado business or institution, as defined broadly by SB21-080, to exercise reasonable care to protect against COVID-19.

It is unnecessary because consumers and workers are largely not currently suing businesses for COVID-19 claims. Businesses are suing their insurance companies for COVID-19 claims; but consumers and workers are not filing COVID-19 lawsuits.

SB21-080 is overreaching because the procedural hurdles it enacts both before a consumer or worker can bring a lawsuit and then to advance a COVID-19 claim are insurmountable barriers for consumers and workers.

Finally, it is harmful, because when nobody is accountable, nobody is safe. SB21-080 protects wrongdoers and those businesses that would cut corners or act carelessly. Existing liability laws simply require businesses to take reasonable care. SB21-080 accomplishes one thing and one thing only when it protects corner-cutters and wrongdoers: it places all others at risk, both innocent workers and consumers as well as businesses that take reasonable care. When nobody is accountable, nobody is safe.

Allison Conwell

Hello.

My name is Cory and I am a resident of Sterling. I'm writing to you today in support of Senator Woodward's bill to protect entities during COVID 19.

I was glad to see this bill come up this session. I feel it's a needed addition to law to help businesses, schools, and others through our state's response to COVID.

I have heard bills like this one in the past put under the category of trying to protect big business at the expense of individuals. I hope none of you have come into this hearing with that preconception.

You will pardon me if this sounds harsh. It's not my intent. I do not care a bit for protecting the Walmart's, Home Depot's, and the like around our state because they have not had to close during COVID shutdowns and they also have entire departments staffed with people whose full time job is to handle legal matters. Will entities like these be protected by this bill? I'm no lawyer, but by my reading, yes. Do they need such protection? That's debatable.

What I hope you and I agree on is that smaller entities have suffered a proportionately greater amount during our response to COVID. I can't imagine what it would be like to barely scrape by during the state's shutdown, tread water for the past 10 months, and then, despite a conscientious and thorough effort to protect people, have to defend yourself against a lawsuit that could prove ruinous. This bill would prevent that. If you're concerned about it protecting big business, please remember that it protects the little ones too. Businesses, big small and in-between, need predictability, stability, and, if they're not being reckless, protection from the more litigious among us.

Let's provide the space to allow businesses (and other institutions such as schools like the one I teach at) to do what they do best: care for their customers and keep our economy running.

I hope you allow this bill to the floor for debate and a vote. Thank you for your time.

Cory

March 7, 2021

My husband and I own a small grocery store in the San Luis Valley. Our store is the only full-service grocery store in town. We also have a large influx of tourists during the summer months that bring a lot of business into our small mountain community. Nationally independent grocery stores net 2-3%. With razor thin margins in our business, credit card fees have been out of control through the past few years and with the increased usage of cards, our margins have even gotten thinner. Credit card companies have been very difficult for independent stores to negotiate competitive rates compared to big chain stores.

Therefore, we feel that it is time to pass this legislation so small businesses like ours can survive.

Respectfully,
Dana Sowards