

Ohio has recently adopted legislation known as House Bill 606 regarding limited immunity for claims arising from or related to COVID-19. It is important to understand that this immunity is not complete. House Bill 606 only provides immunity for what is known as ordinary “negligence.” However, claims and lawsuits can still be pursued for what is generally known as “gross negligence” and/or “willful or wanton conduct.” This means that lawsuits are still a risk, that the absence of insurance protection through the Rotary International insurance program for any communicable diseases including COVID-19 leaves club and individuals’ officers at risk. Further, even close adherence to existing Ohio Department of Health orders together with local health department orders will not provide a safe haven for potential claims or lawsuits. House Bill 606 makes the existence of these orders “irrelevant” and “inadmissible” in a court proceeding to establish adherence to or failure to adhere to an appropriate standard of care. Under the circumstances, I repeat the advice outlined above that a club act only after seeking advice from legal counsel and the appropriate city or county health department.