



**PACP November Column
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Governor's Veto of Important Liability Protection Legislation Strikes a Harsh Blow to Business as 2019-20 Legislative Session Concludes

As of Nov. 30, the 2019-20 legislative session officially came to an end. During this unprecedented year and since the early days of the governor's COVID-19 disaster declaration, the PA Chamber, along with our partners in the business community, prioritized getting targeted and temporary safe harbor protections in place for businesses that are following the state and CDC-issued guidelines to keep our communities healthy and get our economy up and running again. After having spent significant resources to ensure their compliance, employers continue to face an ever-growing avalanche of litigation – in many cases, simply because they're following the mandates put into place by the Wolf administration. As we have heard from so many of our members, these concerns place a constant dark cloud over employers who are already facing numerous financial hurdles working to operate during this pandemic. We have not been alone in advocating for these important protections. I'd like to offer a note of thanks to our local chamber partners, who have provided critical support on this front.

Providing the safe harbor protections that will help businesses survive the pandemic is not a revolutionary idea. Across the nation, nearly 30 other states have implemented some form of either product or exposure liability protections. In the final days of session, we were pleased that the General Assembly passed and sent Gov. Tom Wolf a bill that contained the liability protections employers have sought for much of 2020. The protections contained in the measure were narrow in scope, temporary and would have incentivized best practices by still holding bad actors accountable. In fact, a recent poll from the Institute for Legal Reform found that 79 percent of Americans from across the political spectrum support liability protections for businesses that are operating in good faith by following state and federal health and safety guidelines. As we have stressed for months in fighting to get this bill enacted, providing for temporary liability reforms isn't a partisan issue – and businesses that do not take the public's health into account should be prosecuted to every extent of the law. These types of protections are broadly supported, will especially help small businesses and have earned the backing of non-profits, educational, child care and health care institutions.

Unfortunately, despite the support of 80 local chambers of commerce from throughout the state and nearly the same amount of associations and organizations representing a wide range of constituencies, Gov. Wolf vetoed the legislation yesterday. Following the governor's action, we issued a statement expressing our disappointment that the governor chose to stand with those attempting to profit off the pandemic.

As the door closes on this session, we are looking ahead and preparing for what's to come. On the political front, we were pleased that 123 of the 131 legislative candidates we endorsed this past election won their races, ensuring that the business community's best interests will continue to be strongly represented in the halls of the state Capitol. We look forward to working with these pro-business elected officials in the 2021-22 legislative session that will begin in January. In the House, Republicans increased their majority to 113. With the 45th Senate District race still outstanding in western Pennsylvania, Senate Republicans currently hold 28 out of the chamber's 50 seats. There will be some changes to the state row offices as well, with Republicans coming out victorious in two of the three

elections. ChamberPAC-endorsed Tim DeFoor will be the state's next Auditor General, and Stacy Garrity won her bid to be the next state Treasurer. Incumbent Democrat Josh Shapiro was re-elected to a second term as state Attorney General.

As part of our ongoing, multi-year "Bringing PA Back" initiative, we maintain our focus on providing businesses with the clarification and support they need to withstand this uncertain time. To that end, this Friday, we are hosting a COVID-19 Resurgence Planning Webinar featuring Gov. Tom Wolf and Pennsylvania Secretary of Health Dr. Rachel Levine. This free, one-hour webinar is open to the entire business community and provides a great opportunity to gain key insight into how the administration's most recent COVID-19 mitigation orders will impact the state's business community. We hope you will be able to join us at 2:30 p.m. this Friday, Dec. 4. Visit our [website](#) to register.

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