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117TH CONGRESS
2D SESSION

H. R. 7794

To require a particular jury instruction in Federal civil actions that include a claim for damages based on negligence arising from the transmission of COVID–19.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2022

Mr. BIGGS introduced the following bill; which was referred to the Committee on the Judiciary

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A BILL

To require a particular jury instruction in Federal civil actions that include a claim for damages based on negligence arising from the transmission of COVID–19.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Businesses From Frivolous COVID Lawsuits Act of 2022''.

SEC. 2. JURY INSTRUCTION IN FEDERAL CIVIL ACTIONS THAT INCLUDE A CLAIM ALLEGING NEGLIGENCE ARISING FROM THE TRANSMISSION OF COVID–19.

In a Federal civil action that includes a claim alleging negligence arising from the transmission of COVID–19 and a request for damages, the court shall instruct a jury that—

(1) the liability standard is the reasonable person standard,

(2) a person is negligent if the person either does something that a reasonably careful person would not do in the same situation, or fails to do something that a reasonably careful person would do, in the same situation,

(3) the act of opening a business, by itself, shall be considered to be reasonable as a matter of law, and

(4) the negligence may not be found solely on the basis of holding oneself open for business.

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