

Mississippi Aims to Limit Civil Liability for Businesses for COVID-19-Related Exposure

On July 8, 2020, Governor Tate Reeves signed into law Mississippi's Back-To-Business Liability Assurance Act. As passed, the Act limits civil liability for business owners in certain circumstances for claims for injuries and damages resulting from exposure to COVID-19.

Under Section 3 of the Act, "an essential business, or agent of that business shall not be held liable for civil damages for any injuries or death resulting from or related to actual or alleged exposure or potential exposure to COVID-19 in the course of or through the performance or provision of its function or services in the time before applicable public health guidance is available." Stated differently, essential business as defined by the Act cannot be held liable, except as set forth below, for exposure prior to the date that the State or federal government issued written guidance related to the COVID-19 State of Emergency.

Additionally, the Act limits civil liability for premises owners, lessees, occupants or any other person in control of a premises for claims related to alleged COVID-19 exposure, who in good faith follow applicable public health guidance and directly or indirectly invites or permits persons onto their premises. "Public health guidance" as defined by the Act constitutes "written guidance related to the COVID-19 State of Emergency that is issued by an executive agency of the State of Mississippi, including the Office of the Governor."

The Act does not preclude civil liability for the above outright however. Instead, liability for the above types of claims shall only be permitted in instances where a plaintiff brings a claim within two (2) years of the date the cause of action accrues and can demonstrate by clear and convincing evidence that the party against whom liability is sought acted with malice or willful, intentional conduct.

For the full text of the Act, click [here](#).

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