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February 24, 2021

To: The House Committee On Judiciary Subcommittee On Civil Law
From: Anthony K. Smith, National Federation of Independent Business
Re: NFIB Written Testimony in Support of HB 2638

Chair Power, Vice-Chair Wallan, and Members of the Committee:

On behalf of the thousands of Oregon small business members of the National Federation of Independent Business, many being the smallest of small businesses, I would like to express our support for HB 2638, which limits liability for certain claims for damages arising out of acts or omissions taken during the COVID-19 emergency period in reasonable compliance with government guidance related to COVID-19.

When NFIB surveyed our small business members in Oregon about liability protection for businesses operating safely and in compliance with state and federal guidance, 96.77% expressed their support for the legislation, making this the #1 issue on our most-recent survey, conducted just prior to the beginning of the 2021 legislative session.

Since the start of the pandemic, the overwhelming majority of Oregon's small businesses have done an incredible job responding to ever-evolving executive orders and guidance documents issued by the Governor's office and state agencies. They have waited patiently to reopen. They have adapted and innovated in an attempt to continue serving their customers safely. But the harsh reality is that Oregon's small businesses have suffered a tremendous financial hardship over the last year.

As more businesses have been allowed to reopen, they have implemented appropriate required safety measures, but too many of our members fear that even if they follow all the directives of state health and safety officials, they will still face a lawsuit from an individual claiming to have contracted the virus at their place of business.

Businesses need to know that if they have been a good partner with the state in combatting the virus that the state, in turn, will be a good partner by protecting them from unfair lawsuits that will drain their already depleted financial resources.

This ask is limited in scope and duration, specific to COVID-19, and only offers protection to those businesses that are able to demonstrate reasonable compliance with COVID-19 rules and regulations.

NFIB respectfully asks you to join with over 30 organizations, representing nearly every industry sector of the economy, in supporting HB 2638.

Thank you for your time and consideration,

A handwritten signature in blue ink, appearing to read "Anthony K. Smith". The signature is fluid and cursive, with a large initial "A" and "S".

Anthony K. Smith
NFIB Oregon State Director