



Written Testimony in Support of Senate Bill 14
Mr. Daniel Murray
Kansas State Director, National Federation of Independent Business

House Judiciary Committee
January 19, 2021

Chairman and members of the committee, I am pleased to submit written testimony in strong support of SB14 which would extend the business liability protections contained in last year's legislative response to COVID-19, on behalf of NFIB Kansas. NFIB Kansas is the leading small business organization in Kansas representing small and independent businesses. A non-profit, nonpartisan organization founded in 1943, NFIB Kansas represents the consensus views of its over 4,000 members in Kansas.

During the pandemic, NFIB issued a set of Liability Protection Principles, intended to protect small businesses from the threat of unfounded lawsuits as they begin to reopen. One of those critical principles was the following: **Businesses should be protected from liability to customers and other third-parties unless those customers or parties prove the business knowingly failed to develop and implement a reasonable plan for reducing the risk of exposure to COVID-19 and that failure caused the injury.** SB14, like 2020 Kansas House Bill 2016, addresses this concern.

As small business owners across America continue the process of reopening and operating in the COVID-19 environment, it's imperative that we maintain protections from the threat of lawsuits that exploit the already damaging effects of COVID-19. According to our survey's results, small business owners are concerned about increases in liability claims when reopening their businesses. In fact, this survey released last year showed that nearly 70% of small business owners are concerned about liability claims increases, while only 6% are not at all concerned. The measures contained in HB2016 gave certainty to Kansas small businesses who have fought to survive over the course of this pandemic. The extension of these protections provide confidence to small business owners that they can continue to open up and work without fear of costly legal battles.

NFIB Kansas and small business owners were very appreciative of last year's bipartisan effort to provide protections and certainty for the business community. We strongly support the extension of the business and product liability protections contained in SB14. However, NFIB would prefer the House version—HB2048—because it extends these protections longer. That bill will provide longer term certainty than SB14. Thank you for the opportunity to provide comments on this critical piece of legislation. Again, we urge the extension of the bi-partisan business and product liability provisions contained in SB14.