



# BELL NUNNALLY'S HEATH CHEEK, BRENT HOCKADAY AND KATIE BEAIRD ON TEXAS LAWYER LOOK AT TEXAS' PENDING LIABILITY SHIELD LEGISLATION

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**Bell Nunnally partners R. Heath Cheek and Brent D. Hockaday and Associate Katie R. Beaird authored the Texas Lawyer article "Texas Legislature Considers Shield from COVID-19 Liability Lawsuits for Texas Businesses." The piece explores SB 6, currently pending legislation in the Texas Legislature that is poised to provide businesses with a partial liability shield for COVID-19-related lawsuits, both currently pending and those yet to be filled.**

The group write:

The current bill would provide immunity "for injury or death caused by exposing an individual to [COVID-19]," unless the plaintiff can show the person or business either:

1. Knowingly failed to warn the plaintiff of or remediate a condition that the person knew was likely to result in the exposure of an individual to COVID-19, provided that entity:

had actual control over the condition;

knew that the plaintiff was more likely than not to come into contact with the condition; and

had a reasonable opportunity and ability to remediate the condition or warn the plaintiff of the condition.

OR

2. Knowingly failed to implement or comply with the applicable government-promulgated standards, guidance, or protocols intended to lower the likelihood of exposure to COVID-19, provided the entity:

had reasonable opportunity and ability to implement or comply with the standards, guidance or protocols; and

refused to implement or comply with or acted with flagrant disregard of the standards, guidance or protocols.

Cheek, Hockaday and Beaird delve into the specifics of SB 6, including limitations to its protections – such as discrimination, harassment or retaliation, related to COVID-19 or for violations of other COVID-19 related laws. They conclude by noting, “With more Texas businesses reopening every day, this new legislation should bring peace of mind to the many business owners who have been navigating the balance of safety and providing services to the public for over the past unprecedented year.”

To read the full article, please click [here](#).

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