

# Key Federal & State (TX) Legislative Updates

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# Overview

- RIMS Advocacy
- Challenges with new U.S. Congress
- Policy initiatives of interest to risk professionals
- State legislation
- Legislative Summit & RISK PAC



## COVID-19 Advocacy Information and Updates

# What is RIMS Advocacy?

[VIEW INFORMATION AND UPDATES](#)



### Why Engage?

Learn why it's important for you to  
act on behalf of the risk  
management industry.

[Learn More](#)



### How To Become an Advocate

Get all of the information you need  
to successfully engage with your  
lawmakers.

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### Find Your Representative

Click here to find your Federal and  
State Representatives.

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### Advocacy Resources



### Advocacy Events



### RISK PAC

[www.rims.org/advocacy](http://www.rims.org/advocacy)



# 2021 Challenges

- Biden priorities – COVID relief & infrastructure
- Political gridlock : House vs Senate (Senate needs to be bipartisan)
- Learning curve & virtual meetings/fundraising – state and federal



# RIMS 2021 Legislative Initiatives (still in formation)

## - Federal:

- Pandemic Insurance legislation
- Federal civil liability protection
- National data breach standard

## - State

- Civil liability protections
- Business interruption mandate legislation
- Mandatory vaccination laws (federal employee guidance)



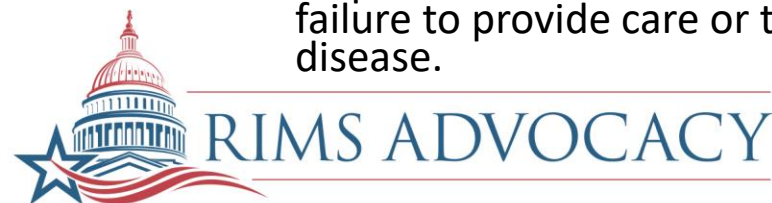
# Pandemic Insurance Legislation

- Top priority in 2020
- RIMS survey (April 2020 and February 2021)
- New bill forthcoming – no bill yet
- Top priority in House in 2021
  - Champions:
    - Congresswoman Maloney
    - Congressman Cleaver
    - Congressman Stivers (retiring)



# Civil Liability Protections – State Legislation

- Several states have passed laws (AZ, AL, MT, FL) and even more have introduced legislation with the intent to grant immunity to businesses/persons against lawsuits arising due to the spread of COVID-19
- Texas:
  - House Bill No. 2782 - provides that a business entity, or person who owns a business, may not be held liable for injury or death caused by exposure to COVID-19 that occurs due to the entity's operations. This protection would not apply if there was gross negligence or willful misconduct involved. If passed, this Act would take effect on September 1, 2021.
  - House Bill No. 4481 - would provide that a person who acts in good faith in the course of or through the performance of the person's business operations or on the premises owned or operated by such person is immune from civil liability for ordinary negligence for any injury or death arising from COVID-19.
  - House Bill No. 3659, and a similar piece of legislation in the Senate, Senate Bill No. 6, both provide for limited liability for certain claims arising during a pandemic – specifically for (i) physicians, (ii) healthcare providers, and (iii) first responders who will not be liable for an injury arising from care, treatment, or failure to provide care or treatment related to or impacted by a pandemic disease.



# Business Interruption Legislation – State Legislation

- Legislation in TX, PA, OR, RI, WA, and others
- Texas: SB 249 – Sen. Schwertner
  - BI insurance would be required to “cover loss caused by a pandemic, including loss caused by the order of a civil authority made to prevent the spread of a pandemic, without regard to whether the pandemic caused a direct physical loss to the policyholder’s property.”
  - It would apply to all insurers providing business interruption insurance in Texas, “including a county mutual insurance company, farm mutual insurance company, Lloyd’s plan, and reciprocal or interinsurance exchange.”
  - If passed and signed by the governor, the legislation would be effective Sept. 1, 2021, and apply to policies written or renewed with an effective date on or after Jan. 1, 2022.
  - No movement since March 3, 2021





# Vaccine Legislation (Texas)

On February 8, 2021, House Bill 1687 was filed which would prohibit employment discrimination based on an employee's vaccine status.

- Under the Bill, if due to an employee's unvaccinated status an employer (i) fires, (ii) fails to hire or (iii) otherwise discriminates against an individual with respect to compensation or the terms, conditions or privileges of employment, the employer commits an unlawful employment practice.
- The Bill also prohibits discrimination by labor organizations and employment agencies. A labor organization commits an unlawful employment practice if the organization excludes or expels someone from membership or otherwise discriminates against a member because they have not received the vaccine.
- Similarly, an employment agency commits an unlawful employment practice if the agency: (i) classifies or refers for employment, (ii) fails or refuses to refer for employment, or (iii) otherwise discriminates against an individual because the individual has not received the vaccine.





# RIMS LEGISLATIVE SUMMIT

SEPTEMBER 12-13 | WASHINGTON, DC

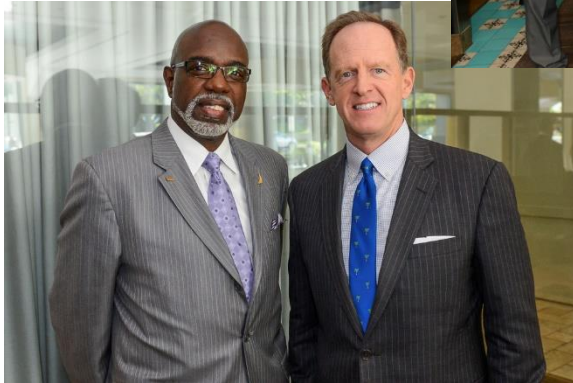
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# RISK|PAC

RIMS Political Action Committee



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