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Premises Liability And The Coronavirus: An Outline Of Risks And Responsibilities

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If an individual contracts COVID-19 after visiting a specific property, and the exposure of the COVID-19 is traced to that specific property, who is liable to the individual? Does the liability depend on whether the infected individual was a customer/licensee or an employee of the property owner? Does it matter whether the property to which the exposure of COVID-19 is traced to was required to remain open or closed by public authorities?

On March 19, 2020, California Governor Gavin Newsom issued a shelter-in-place order directing all residents of California to stay at home except to maintain continuity of operations of essential critical infrastructure sectors. In accordance with the shelter-in-place order, the State Public Health Officer issued a list of “Essential Critical Infrastructure Workers” grouped into thirteen essential critical infrastructure sectors. Businesses that were specified as being part of the critical infrastructure sectors included, among others, healthcare facilities, research centers, suppliers, manufacturers, private security organizations, private emergency medical services providers, groceries, pharmacies, convenience stores, carry-out and quick service restaurants, food manufacturing facilities, farms, animal diagnostic and food testing laboratories, gas stations, truck stops, and banks.

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