COVID-19 Legal Liability

We understand that many clubs are worried about the legal liability associated with a person contracting COVID-19 at a club event. Legal liability with respect to COVID-19 transmissions represents uncharted legal territory.

For organizations and businesses that are already under financial strain, just the cost of defending against a lawsuit could devastating. For businesses, concerns primarily involve business transactions and employees. For AKC clubs, and AKC generally, the issue involves not only staff and business, but also events: participants/exhibitors, volunteers, judges, and others who may be attending an event as spectators or who may be there for another reason.

The AKC GR team is monitoring efforts at the federal and state level to establish liability protections for businesses and individuals. Most measures focus on a temporary and targeted release from liability for the period surrounding the pandemic in cases where reasonable precautions are taken to avoid disease transmission. AKC GR is also seeking to ensure that such measures would protect AKC event-giving clubs as they seek to get back on their feet. In addition to reaching out to lawmakers with these concerns, we’ve also reached out to other not-for profit organizations. We’ve found they share similar concerns and an interest in working together to advocate for such protections.

At the federal level, there is a divide along partisan (and chamber, given split leadership in chambers) lines calling for enhanced liability protections as part of federal COVID-19 relief packages. Senate Republican leaders are supportive of protections; House Democratic leaders prefer focusing more on direct assistance. HR 8600, the HEROES COVID-19 relief act, which passed the U.S. House did not contain enhanced liability protections. However, Senate Majority Leader McConnell has indicated that the Senate version (not yet available) will have such protections. We continue to work with both sides to advocate for liability protections that could benefit AKC clubs.

Liability protection bills have been introduced in a number of states as well. AKC GR is paying particular attention to individual state bills as most suits would fall under state jurisdiction. To help clubs better track and understand the various state measures currently under consideration, GR is preparing daily updates on this legislation. These reports are available on the on the AKC GR COVID-19 Key Issues page on the AKC GR Legislative Action Center, www.akcgr.org. Additionally, AKC GR is working behind the scenes reaching out to key decisionmakers and will also be sending out email alerts, as appropriate, to club leadership and Legislative Liaisons asking them to contact their state legislators in support of COVID-19 liability protections.

AKC GR has prepared a sample letter for clubs and individuals to personalize and use when reaching out to their legislators. The letter is located along with all other related information on the AKC GR COVID-19 Key Issues page. (Again, please note this is under the key issues tab on www.akcgr.org) as well as in the GR toolbox on akc.org and akcgr.org.

Additional resources in the COVID-19 key issues page include:

- Overview of COVID-19 Liability Legislation (Daily Report)

Additionally, AKC GR has been continuously providing updates to the status of state legislatures and reopening plans for states, and legislation regarding liability protections for individuals and enterprises as they re-open.

- State Reopening and Status of Pet Care Services, Updated Daily
- Status of Legislatures Impacted by COVID-19, Updated Daily

And of course, please don’t hesitate to contact the GR team if you have any questions. The best way to reach us at this time is via email: doglaw@akc.org.