

# WEST VIRGINIA CODE: §55-19-5

## **§55-19-5. Products made, sold, and donated in response to COVID-19.**

(a) Any person that designs, manufactures, labels, sells, distributes, or donates a qualified product in response to COVID-19 that is utilized by any person, essential business, government entity, business entity, health care facility, health care provider, first responder, or volunteer shall not be liable in a civil action alleging personal injury, death, or property damage caused by or resulting from the product's manufacturing or design, or a failure to provide proper instructions or sufficient warnings.

(b) Any person that designs, manufactures, labels, sells, distributes, or donates household disinfecting or cleaning supplies or personal protective equipment in response to COVID-19 that does not make such products in the ordinary course of the person's business shall not be liable in a civil action alleging personal injury, death, or property damage caused by or resulting from the product's manufacturing or design, or a failure to provide proper instructions or sufficient warnings.

(c) The limitations on liability provided in this section shall not apply to any person, or any employee or agent thereof, that:

(1) Had actual knowledge of a defect in the product when put to the use for which the product was manufactured, sold, distributed, or donated; and acted with conscious, reckless, and outrageous indifference to a substantial and unnecessary risk that the product would cause serious injury to others; or

(2) Acted with actual malice.

(d) Any action under subsection (c) of this section must be brought not later than one year after the date of personal injury, death, or property damage.