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BECAUSE **ACCIDENTS** HAPPEN



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(661) 945-6969

Can Someone **SUE YOU** for a Zika Infection?



If you contract Zika, you may have the legal right to recover damages.

**ZIKA VIRUS CLAIMS: First seek medical attention,
then seek legal advice.**

If you contract Zika, you may have the legal right to recover damages. But you also may have legal liability if you don't protect others from catching Zika from you.

The **Zika virus** has been deemed a public health emergency by the World Health Organization. For most healthy individuals, contracting the virus results in at most a week long period of flu-like symptoms involving aches, fever and chills, although it is possible the symptoms could last longer. For pregnant women, however, we now know that exposure to the virus can cause a serious birth defect in the fetus known as microcephaly, which is an underdeveloped skull which retards normal growth of the brain. It is this serious side-effect which has generated the most attention regarding possible legal liability arising out of the Zika virus.

The first and most obvious risk is to health care workers, in hospitals and clinics, who may be exposed to the virus in connection with their job responsibilities. All employers in the US have an obligation to provide a safe workplace for their employees. Any employee who contracts Zika as a result of unsafe practices or procedures by their employer could have a claim for resulting damages, including to an unborn baby. In many states such a claim would be covered under the worker's compensation system, which provides compensation to injured workers. A child born with microcephaly in some states might have a separate claim outside of the workers compensation system if the employer was guilty of negligence in creating the condition that led to the mother contracting the virus.

Can You Sue for Damages? Can Someone Sue You?

We now also know that Zika can be sexually transmitted, which could give rise to legal liability by individuals to their partners who engage in sexual relations knowing they have the virus. There were a number of cases in the US following the herpes epidemic in the 1980's where damages were awarded to people who contracted the virus as a result of having sex with a partner who was aware they were themselves infected. During the AIDS epidemic in the 1990's, both civil and in some rare cases criminal liability was imposed on people who were aware they were infected by the AIDS virus, and who nevertheless engaged in unprotected sex with unsuspecting partners. It remains to be seen whether similar claims arise out of the current public health crises posed by the Zika virus.

**If You Think You May Have Zika Virus,
Seek Medical Attention Immediately...**

Then, call Kuzyk Law at 661-945-6969 for a free consultation regarding your rights and responsibilities.

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