

Bill No.: SF0019 **Effective:** **Immediately**

LSO No.: **21LSO-0108**

Enrolled Act No.: SEA No. 0057

Chapter No.: 118

Prime Sponsor: Joint Judiciary Interim Committee

Catch Title: **Public health emergencies-immunity amendments.**

Subject: Creating an assumption of the risk and amending immunity provisions related to COVID-19.

Summary/Major Elements:

- In the 2020 Special Session, the Legislature amended state law concerning immunity from liability during public health emergencies.
- This act further amends that immunity provision to provide that a person, entity or health care provider is immune from liability for damages in a claim concerning COVID-19 unless the person seeking damages proves gross negligence or willful misconduct.
- The act provides higher burdens for COVID-19 liability claims. The act provides that any acts or omissions constituting the basis of a liability claim concerning COVID-19 must state those acts or omissions in a complaint with particularity and that the claim must be proven by clear and convincing evidence.
- The act defines "COVID-19 liability claim" to include those claims involving the transmission or exposure of COVID-19, acts or omissions related to healthcare services provided in response to COVID-19 or the manufacturing or distributing of personal protective equipment or sanitizer during the COVID-19 public health emergency.
- This act provides that a person assumes the risk of catching COVID-19 if the person entered the premises of another person or entity. The presumption is rebuttable and doesn't apply to acts or omissions constituting gross negligence or willful misconduct.
- The act extends the time period for which worker's compensation covers COVID-19 infections to March 31, 2022, unless the Legislature further extends that date.
- The provisions of the act apply only to actions or omissions causing injury on or after the effective date of the act.

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