



Legislative Council Staff

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Fiscal Note

Drafting Number:	LLS 21-0520	Date:	February 16, 2021
Prime Sponsors:	Sen. Woodward Rep. Bird; Bradfield	Bill Status:	Senate Business
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Bill Topic: PROTECTIONS FOR ENTITIES DURING COVID-19

Summary of Fiscal Impact: **No fiscal impact.** This bill establishes immunity from civil liability for entities acting in good faith to comply with public health guidelines from any COVID-19 related suit. It is assessed as having no fiscal impact.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

The bill establishes that an entity (defined as individual, corporation, government, educational institution, religious organization, business, estate, trust, limited liability company, partnership, association or other legal entity) is not liable for any damages that result from exposure, loss, damage, injury, or death arising out of COVID-19 unless:

- a claimant proves by clear and convincing evidence that the exposure, loss, damage, injury, or death was caused by the entity's failure to comply with public health guidelines; or
- the exposure, loss, damage, injury, or death was caused by gross negligence or a willful and wanton act or omission of the entity.

The bill repeals two years after the Governor terminates the state of disaster emergency declared on March 11, 2020.

Assessment of No Fiscal Impact

Immunity for civil liability is not construed to include immunity from workers' compensation claims. Further, while state trial courts review civil cases, it is assumed that the bill will create only a minimal potential reduction in potential cases. As a result, the fiscal note assumes the bill will have no fiscal impact on state or local governments.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

Counties	District Attorneys	Governor
Information Technology	Judicial	Law
Municipalities	Personnel	Public Health and Environment