



## COVID-19 Essential Legislation for Responsible Communities

### Limited Liability Model Legislation

#### VERSION 1

#### Limited Immunity related to COVID-19

(1) As used in this section:

- a. “Claimant” means an individual or individual’s survivor, including a decedent’s estate, who seeks or has sought recovery of damages in a COVID-19 (or contagious disease) liability claim; provided, however, that all individuals claiming to have sustained damages of a single individual, are considered a single claimant.
- b. ‘COVID-19’ means the virus generally known as severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) or any mutation or viral fragments thereof, any disease or condition caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), and any other virus in the family of viruses known as coronaviruses.
- c. “Controlling Health Standards” means any of the following that are directly related to COVID-19 virus and that prescribed in the manner in which an individual or entity must operate at the time of the alleged exposure:
  - i. A federal, state or local law, regulation or ordinance;
  - ii. A written order, guideline, or other document published by a federal, state or local government or regulatory body.
- d. “Entity” means:
  - i. an association;
  - ii. a business;
  - iii. a charitable organization;
  - iv. a company;
  - v. a corporation;
  - vi. a government office, department, division, bureau, or other body of government;
  - vii. an individual;
  - viii. an institution;
  - ix. a limited liability company;
  - x. a nonprofit organization;
  - xi. a partnership;
  - xii. a political subdivision;
  - xiii. a property owners’ association;
  - xiv. a trust;
  - xv. any other organization or entity; and
  - xvi. will include the directors, employees, limited partners, managers, officers, officials, partners, trustees, and agents of the entity.
- e. “Individual” means a natural person.

- f. “Premises” means any property owned, occupied, leased, operated, maintained, or managed by an individual or entity, whether residential, agricultural, commercial, industrial, a facility, or other real property located within this State.
  - g. “Substantial compliance” means the good faith efforts of an individual or an entity to control the spread of the contagious disease in conformity with the controlling health standards or in compliance with governing health officer order in effect. The individual or entity may demonstrate substantial compliance by establishing policies and procedures to enforce and implement the controlling health standards in a reasonable manner. Isolated or unforeseen events of noncompliance with the controlling health standards do not demonstrate noncompliance by the individual or entity.
- (2) Subject to other provisions in this section, an individual or entity is immune from civil liability for damages or an injury resulting from any claimant’s exposure to COVID-19 on the premises owned or operated by the individual or entity, or during an activity managed by the a representative of the individual or entity, if the individual or entity was in substantial compliance with controlling health standards.
- (3) The immunity as described in Subsection (2) shall not apply to:
- a. Gross negligence;
  - b. Willful and wanton misconduct;
  - c. Reckless infliction of harm; or
  - d. Intentional infliction of harm.
- (4) The immunity in Subsection (2) is in addition to any other immunity protections that may apply in state or federal law.
- (5) This Act shall become effective immediately.

## **VERSION 2**

### **Limited Immunity related to COVID-19**

- a. No cause of action shall accrue for any illness, injury, death or other damages arising from or related to exposure to or transmission of the novel coronavirus (SARS-COV-2 or any variant or strain thereof) to the extent that said exposure or transmission occurred on the premises of a residential or mixed-use condominium association, homeowners association, cooperative, or other residential common interest community.
- b. Nothing in this subsection shall be deemed to apply to any claim for illness, injury, death or other damages caused by any act of gross or willful negligence.”