

1 **LIABILITY FOR PROVIDING SERVICES TO DISABLED**

2 **ADULTS**

3 2021 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Marsha Judkins**

6 Senate Sponsor: _____

7

LONG TITLE

8 **General Description:**

9 This bill addresses liability of a person that provides certain services to an adult with a
10 disability.
11

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms; and
- 15 ▶ enacts provisions that limit the liability of a person that provides habilitative support
16 services to an adult with a disability.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 ENACTS:

23 **78B-4-518**, Utah Code Annotated 1953

24

Be it enacted by the Legislature of the state of Utah:

25 Section 1. Section **78B-4-518** is enacted to read:

26 **78B-4-518. Limited liability for a person that provides services to high risk**
27



28 **disabled adults.**

29 (1) As used in this section:

30 (a) "Brain injury" means the same as that term is defined in Section [62A-5-101](#).

31 (b) "Habilitative support services" means community-based services that assist an
32 individual to keep, learn, or improve skills and functioning necessary for daily living.

33 (c) "Habilitative support service provider" means a person under contract with the
34 Division of Services for People with Disabilities, created in Section [62A-5-102](#), to provide
35 habilitative support services to a high risk disabled adult.

36 (d) "High risk disabled adult" means an individual who:

37 (i) is 18 years old or older;

38 (ii) has:

39 (A) an intellectual disability or related condition; or

40 (B) a brain injury; and

41 (iii) is likely to engage in risk taking behaviors that may lead to harm or injury to the
42 individual's self or others, as further defined by the Division of Services for People with
43 Disabilities, created in Section [62A-5-102](#), by rule made in accordance with Title 63G, Chapter
44 3, Utah Administrative Rulemaking Act.

45 (e) "Related condition" means the same as that term is defined in Section [78A-6-105](#).

46 (2) Except as provided in Subsection (3), a habilitative support service provider is not
47 liable for damages or injury arising out of or related to the actions or inactions of an employee
48 that occur while the employee provides habilitative support services to a high risk disabled
49 adult.

50 (3) This section does not prohibit an action against a person for damages or injury
51 intentionally caused by the person or resulting from the person's gross negligence.