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Limitation of Actions Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Carl R. Albrecht
Senate Sponsor: Heidi Balderree

LONG TITLE

General Description:

This bill addresses the liability of a person for damage or injury caused by greenhouse gas emissions.

Highlighted Provisions:

This bill:

- defines terms;
- clarifies the limitation on liability of a person for damage or injury caused by greenhouse gas emissions;
- removes the requirement that a person reside or do business in this state to qualify for limited liability for damage or injury caused by greenhouse gas emissions; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-4-515, as last amended by Laws of Utah 2011, Chapter 340

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

Section 1. Section **78B-4-515** is amended to read:

78B-4-515 . Limitation on liability for greenhouse gases.

[(1) "Greenhouse gas" means water vapor, carbon dioxide, methane, nitrous oxide, ozone, and chlorofluorocarbons.]

28 (1) As used in this section, "greenhouse gas" means any of the following, whether derived
29 from human activity or a natural source:

30 (a) carbon dioxide;

31 (b) methane;

32 (c) nitrous oxide;

33 (d) sulfur hexafluoride;

34 (e) hydrofluorocarbons;

35 (f) perfluorocarbons; or

36 (g) nitrogen trifluoride.

37 (2)(a) ~~[A person residing or doing business in this state may not be held liable for~~
38 ~~damage or injury to another arising out of any actual or potential effect on climate~~
39 ~~caused by contributions to emissions of greenhouse gases unless it can be proved by~~
40 ~~clear and convincing evidence that the person has:]~~ A person is not civilly or
41 criminally liable, and may not be subject to any judicial remedy under any principle
42 of law or equity, for damage or injury from any actual or potential effect on climate
43 caused wholly or partly by greenhouse gas emissions, unless a court finds by clear
44 and convincing evidence that the person has:

45 ~~[(a)]~~ (i) violated an enforceable statutory limitation or restriction against emissions of
46 a specific greenhouse gas originating within this state; or

47 ~~[(b)]~~ (ii) violated the express terms of a valid, enforceable operating, air, or other
48 permit issued by a state or federal regulatory agency that has jurisdiction over the
49 person's greenhouse gas emissions~~[of the person or business].~~

50 (b) Subsection (2)(a) applies regardless of the cause of action or type of relief sought,
51 whether legal or equitable.

52 (3) The person bringing the action shall:

53 (a) specify each greenhouse gas emitted by the defendant which is asserted to give rise
54 to the cause of action; and

55 (b) show by clear and convincing evidence that unavoidable and identifiable damage or
56 injury has resulted or will result as a direct cause of the defendant's violation of
57 statutory and permitting limits.

58 Section 2. **Effective Date.**

59 This bill takes effect on May 6, 2026.