

## **Limitation of Actions Amendments**

## 2026 GENERAL SESSION

# STATE OF UTAH

**Chief Sponsor: Carl R. Albrecht**

**Senate Sponsor:**

## 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:

- 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"] As used in this section, "greenhouse gas" means water vapor, carbon dioxide, methane, nitrous oxide, ozone, [and] or chlorofluorocarbons.

(2)(a) [A person residing or doing business in this state may not be held liable for

damage or injury to another arising out of any actual or potential effect on climate caused by contributions to emissions of greenhouse gases unless it can be proved by clear and convincing evidence that the person has:] A person is not civilly or

31 criminally liable, and may not be subject to any judicial remedy under any principle  
32 of law or equity, for damage or injury from any actual or potential effect on climate  
33 caused wholly or partly by greenhouse gas emissions, unless a court finds by clear  
34 and convincing evidence that the person has:

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

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

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

42 (3) The person bringing the action shall:

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

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

48       **Section 2. Effective Date.**

49       This bill takes effect on May 6, 2026.