

Carl R. Albrecht proposes the following substitute bill:

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.]~~

(1) As used in this section, "greenhouse gas" means any of the following, whether derived

from human activity or a natural source:

(a) carbon dioxide;

(b) methane;

(c) nitrous oxide;

(d) sulfur hexafluoride;

(e) hydrofluorocarbons;

(f) perfluorocarbons; or

(g) nitrogen trifluoride.

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

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

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

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

(3) The person bringing the action shall:

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

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

Section 2. **Effective Date.**

This bill takes effect on May 6, 2026.