

1 **LIABILITY FOR PROVIDING SERVICES TO DISABLED**

2 **ADULTS**

3 2020 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Todd Weiler**

6 House Sponsor: Craig Hall

8 **LONG TITLE**

9 **General Description:**

10 This bill addresses liability of entities that provide certain services to an adult with a
11 disability.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms; and
- 15 ▶ enacts provisions that limit the liability of an entity that provides habilitative
16 support 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-4-517**, Utah Code Annotated 1953

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

26 Section 1. Section **78B-4-517** is enacted to read:

27 **78B-4-517. Limited liability for an entity that provides services to high risk**



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 an entity 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 ~~→~~ **[and all owners, operators, and**
 36 **employees of the entity or persons who contract with the entity to provide habilitative support**
 37 **services]** ~~←~~ .

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

39 (i) is 18 years old or older;

40 (ii) has:

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

42 (B) a brain injury; and

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

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

48 (2) Except as provided in Subsection (3), ~~→~~ **[an entity] a habilitative support service**
 48a1 **provider** ~~←~~ is ~~→~~ **[immune from suit] not**

48a **vicariously liable** ~~←~~ for damages or

49 injury arising out of or related to the actions or inactions of ~~→~~ **[a high risk disabled adult] an**
 49a **employee or a person who contracts with the habilitative support service provider** ~~←~~ that
 49b occur

50 while the ~~→~~ **[entity] employee or person** ~~←~~ provides habilitative support services to ~~→~~ **[the]**
 50a **a** ~~←~~ high risk disabled adult.

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