

CONTAGIOUS VIRUS PROVISIONS

2020 THIRD SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

House Sponsor: Marc K. Roberts

LONG TITLE

General Description:

This bill addresses immunity related to contagious viruses.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides civil immunity related to exposure to a contagious virus; and
- ▶ addresses relationship of the provision to other laws.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

ENACTS:

78B-4-517, Utah Code Annotated 1953

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

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

78B-4-517. Immunity related to contagious virus.

(1) As used in this section:

(a) "Contagious virus" means a virus that results in an occurrence or imminent threat of



28 an illness or health condition that poses a high probability of:
29 (i) a large number of deaths in the affected population;
30 (ii) a large number of serious or long-term disabilities in the affected population; or
31 (iii) widespread exposure to the virus that poses a significant risk of substantial future
32 harm to a large number of people in the affected population.
33 (b) "Person" means the same as that term is defined in Section [68-3-12.5](#).
34 (c) "Premises" means real property and any appurtenant building or structure.
35 (2) Subject to the other provisions of this section, a person is immune from civil
36 liability for damages or an injury resulting from exposure of an individual to a contagious virus
37 on the premises owned or operated by the person, or during an activity managed by the person.
38 Immunity as described in this Subsection (2) does not apply to willful misconduct or
39 intentional infliction of harm.
40 (3) This section does not modify the application of:
41 (a) Title 34A, Chapter 2, Workers' Compensation Act;
42 (b) Title 34A, Chapter 3, Utah Occupational Disease Act;
43 (c) Title 34A, Chapter 6, Utah Occupational Safety and Health Act; or
44 (d) Title 63G, Chapter 7, Governmental Immunity Act of Utah.
45 (4) The immunity in Subsection (2) is in addition to any other immunity protections
46 that may apply in state or federal law.
47 **Section 2. Effective date.**
48 If approved by two-thirds of all the members elected to each house, this bill takes effect
49 upon approval by the governor, or the day following the constitutional time limit of Utah
50 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
51 the date of veto override.