

1 AN ACT relating to the limitation of liability during the COVID-19 pandemic and
2 declaring an emergency.

3 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO
5 READ AS FOLLOWS:

6 **(1) For the purposes of this section, "person" means any entity recognized in this**
7 **state and shall include but not be limited to an individual, corporation, limited**
8 **liability company, partnership, trust, association, church or religious**
9 **organization, charity, nonprofit organization, city, county, public or private**
10 **school district, college, university or other institution of higher education, or**
11 **other unit of local government.**

12 **(2) Notwithstanding any other statute to the contrary, any person who acts in good**
13 **faith in the course of or through the performance or provision of the person's**
14 **business operations or on the premises owned or operated by the person shall**
15 **have a defense to civil liability for ordinary negligence for any personal injury or**
16 **death resulting from or related to an actual or alleged exposure to COVID-19, if**
17 **the person acts as an ordinary, reasonable, and prudent person would have acted**
18 **under the same or similar circumstances.**

19 **(3) Notwithstanding any other statute to the contrary, there shall be a rebuttable**
20 **presumption that the safety measures adopted by any person, as defined in**
21 **subsection (1) of this section, are reasonable if those measures conform to the**
22 **Centers for Disease Control and Prevention guidelines in existence at the time of**
23 **the alleged exposure. For the purposes of this section, the rebuttable presumption**
24 **does not alter the applicable standard of care for medical, legal, or other**
25 **negligence cases.**

26 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO
27 READ AS FOLLOWS:

1 *Unless expressly prohibited by law or an executive order related to school closure, a*
2 *public school official's good faith decision to open or close a school in the legally*
3 *uncertain environment created by COVID-19 shall be deemed a discretionary act for*
4 *the purposes of determining qualified immunity for that public school official in his or*
5 *her official or individual capacity.*

6 ➔Section 3. Whereas the impact of the state of emergency in response to COVID-
7 19 on Kentucky's citizens and businesses is of the utmost importance, an emergency is
8 declared to exist, and this Act takes effect upon its passage and approval by the Governor
9 or upon its otherwise becoming a law, and its provisions shall apply retroactively.