

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.