

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.