

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, city, county, public or private school district, college, university or*  
10 *other institution of higher education, or other unit of local government.*

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

18 *(3) Notwithstanding any other statute to the contrary, there shall be a rebuttable*  
19 *presumption that the safety measures adopted by a retail business are reasonable*  
20 *if those measures conform to the Kentucky Department of Public Health*  
21 *guidelines in existence at the time of the alleged injury. For the purposes of this*  
22 *section, "retail business" means any commercial enterprise that sells, in its*  
23 *normal course of business, goods or services, excluding retail businesses that*  
24 *render medical, dental, or other healthcare related walk-in services.*

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

27 *Unless expressly prohibited by law or an executive order, a public school official's good*

1 *faith decision to open or close a school in the legally uncertain environment created by*  
2 *COVID-19 shall be deemed a discretionary act for the purposes of determining*  
3 *qualified immunity for that public school official in his or her official or individual*  
4 *capacity.*

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