

of that official in his or her official or individual capacity. The language seems to limit applicability of this section to “the legally uncertain environment created by COVID-19.”

Section 3 of HB 10 HCS 1 declares an emergency and provides for its immediate, and retroactive, effect.

The fiscal impact of HB 10 HCS 1 on local governments is indeterminable but likely positive. The good faith defense to civil liability and presumption of reasonableness of safety measures that comply with the Centers for Disease Control and Prevention Guidelines should serve as some protection against liability for monetary damages.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II pertains to HCS 1 to HB 10. **The proposed changes in HCS 1 would not change the fiscal impact of HB 10 as introduced.**

The House Committee Substitute to HB 10 expanded the definition of “person” from that in the original bill to include charitable and nonprofit organizations. The HCS applies the rebuttable presumption regarding safety measures to those adopted by “any person”, not just by a retail establishment. The HCS requires conformance to guidelines of the Centers for Disease Control and Prevention in order for safety measures to be deemed “reasonable,” rather than to the Kentucky Department of Public Health guidelines as required by the original bill. The HCS specifies that the rebuttable presumption does not alter the standard of care for medical, legal, or other negligence legal actions.

Data Source(s): LRC Staff

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