

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

The fiscal impact of HB 10 GA 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 HB 10 GA version. The GA version is the same as the HCS version and the fiscal impact of the GA is the same as the impact to the HCS and the bill 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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