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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2021	.	
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The Committee on Rules (Gruters) recommended the following:

1           **Senate Amendment to Amendment (502390) (with title**  
2 **amendment)**

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4           Delete lines 92 - 139

5 and insert:

6 nonpublic. The Board of Governors of the State University System  
7 and the State Board of Education are also included within the  
8 immunity protections afforded by this section.

9           (3) (a) An educational institution that has taken reasonably  
10 necessary actions in compliance with federal, state, or local  
11 guidance to diminish the impact or the spread of COVID-19 may



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12 not be held liable for, and shall be immune from, any civil  
13 damages, equitable relief, or other remedies relating to such  
14 actions. Reasonably necessary actions taken while a state of  
15 emergency was declared for this state for the COVID-19 pandemic  
16 include, but are not limited to, any of the following:

17 1. Shifting in-person instruction to online or remote  
18 instruction for any period of time.

19 2. Closing or modifying the provision of facilities, other  
20 than housing or dining facilities, on the campus of the  
21 educational institution.

22 3. Pausing or modifying ancillary student activities and  
23 services available through the educational institution.

24 (b) The provision of in-person or on-campus education and  
25 related services is deemed to have been impossible for  
26 educational institutions during any period of time in which such  
27 institutions took reasonably necessary actions described in  
28 paragraph (a) to protect students, staff, and educators in  
29 response to the COVID-19 public health emergency.

30 (c) As a result of the various governmental orders and the  
31 need for educational institutions to protect their communities,  
32 the reasonably necessary actions described in paragraph (a) are  
33 deemed justified.

34 (4) In any action against an educational institution, the  
35 Board of Governors of the State University System, or the State  
36 Board of Education for the reimbursement of tuition or fees,  
37 invoices, catalogs, and general publications of an educational  
38 institution are not evidence of an express or implied contract  
39 to provide in-person or on-campus education and related services  
40 or access to facilities during the COVID-19 public health



41 emergency.

42 (5) (a) This section does not apply to losses or damages  
43 that resulted solely from a breach of an express contractual  
44 provision allocating liability in the event of a pandemic event.

45 (b) This section does not apply to losses or damages caused  
46 by an act or omission of a college or university which was in  
47 bad faith or malicious.

48 (6) If any aspect of the immunity under subsection (3) is  
49 limited by a court or by operation of law from applying to  
50 certain types of claims or causes of action, the immunity under  
51 this section must still be provided to the fullest extent  
52 authorized by law to any other types of claims or causes of  
53 action.

54 (7) If an educational institution is required by federal,  
55 state, or local order or a directive of the Board of Governors  
56 of the State University System or the State Board of Education  
57 issued in response to the COVID-19 public health emergency to  
58 alter the mode of delivery of instruction and related services  
59 or access to facilities, the burden of proof for

60  
61 ===== T I T L E A M E N D M E N T =====

62 And the title is amended as follows:

63 Delete lines 162 - 164

64 and insert:

65 actions are deemed justified; providing that certain  
66 publications of educational institutions are not  
67 evidence of an express or implied contract to provide  
68 specified