



254800

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
01/26/2021	.	
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The Committee on Judiciary (Rouson) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 141 - 157  
and insert:

2. The defendant is immune from civil liability if the defendant pleads immunity. A defendant may plead immunity at any stage of the proceeding. A defendant is immune from civil liability for ordinary negligence if the court determines that the defendant complied with all applicable executive orders issued by the Governor in association with the declared state of emergency relating to COVID-19 and any guidelines from the



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12 Centers for Disease Control and Prevention applicable at the  
13 time the cause of action accrued.

14 a. At a summary judgment hearing on the issue of immunity,  
15 evidence is limited to evidence that demonstrates whether the  
16 defendant complied with all applicable executive orders issued  
17 by the Governor in association with the declared state of  
18 emergency relating to COVID-19 and any guidelines from the  
19 Centers for Disease Control and Prevention applicable at the  
20 time the cause of action accrued.

21 b. If the court determines that the defendant did not  
22 comply with such guidelines and orders, the plaintiff may  
23 proceed with the action. However, absent at least gross  
24 negligence proven by clear and convincing evidence, the  
25 defendant is not liable for any act or omission relating to a  
26 COVID-19-related claim.

27  
28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 Delete lines 6 - 7

31 and insert:

32 on a COVID-19-related claim;