



296990

LEGISLATIVE ACTION

Senate	.	House
Comm: OO	.	
03/11/2021	.	
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The Committee on Rules (Farmer) recommended the following:

**Senate Amendment**

Delete lines 141 - 151  
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 at a summary judgment hearing  
22 that the defendant complied with such orders and guidelines, the  
23 defendant is immune from liability for ordinary negligence.

24 c. If the court determines at a summary judgment hearing  
25 that the defendant did not comply with such guidelines and  
26 orders, the plaintiff may proceed with the