



254800

LEGISLATIVE ACTION

Senate

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House

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.

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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;