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1	AN ACT relating to the limitation of liability during the COVID-19 pandemic and
2	declaring an emergency.
3	Be it enacted by the General Assembly of the Commonwealth of Kentucky:
4	→SECTION 1. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO
5	READ AS FOLLOWS:
6	(1) For the purposes of this section, "person" means any entity recognized in this
7	state and shall include but not be limited to an individual, corporation, limited
8	liability company, partnership, trust, association, church or religious
9	organization, charity, nonprofit organization, city, county, public or private
10	school district, college, university or other institution of higher education, or
11	other unit of local government.
12	(2) Notwithstanding any other statute to the contrary, any person who acts in good
13	faith in the course of or through the performance or provision of the person's
14	business operations or on the premises owned or operated by the person shall
15	have a defense to civil liability for ordinary negligence for any personal injury or
16	death resulting from or related to an actual or alleged exposure to COVID-19, if
17	the person acts as an ordinary, reasonable, and prudent person would have acted
18	under the same or similar circumstances.
19	(3) Notwithstanding any other statute to the contrary, there shall be a rebuttable
20	presumption that the safety measures adopted by any person, as defined in
21	subsection (1) of this section, are reasonable if those measures conform to the
22	Centers for Disease Control and Prevention guidelines in existence at the time of
23	the alleged exposure. For the purposes of this section, the rebuttable presumption
24	does not alter the applicable standard of care for medical, legal, or other
25	negligence cases.
26	→ SECTION 2. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO
27	READ AS FOLLOWS:

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- 1 Unless expressly prohibited by law or an executive order related to school closure, a
- 2 public school official's good faith decision to open or close a school in the legally
- 3 uncertain environment created by COVID-19 shall be deemed a discretionary act for
- 4 the purposes of determining qualified immunity for that public school official in his or
- 5 <u>her official or individual capacity.</u>
- Section 3. Whereas the impact of the state of emergency in response to COVID-
- 7 19 on Kentucky's citizens and businesses is of the utmost importance, an emergency is
- 8 declared to exist, and this Act takes effect upon its passage and approval by the Governor
- 9 or upon its otherwise becoming a law, and its provisions shall apply retroactively.