

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0341.01 Shelby Ross x4510

HOUSE BILL 21-1074

HOUSE SPONSORSHIP

Bradfield,

SENATE SPONSORSHIP

(None),

House Committees

State, Civic, Military and Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CIVIL IMMUNITY FOR ENTITIES THAT COMPLY WITH**
102 **APPLICABLE HEALTH GUIDELINES RELATED TO COVID-19.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill establishes immunity from civil liability for entities for any act or omission that results in exposure, loss, damage, injury, or death arising out of COVID-19 if the entity attempts in good faith to comply with applicable public health guidelines.

The bill is repealed 2 years after the date the governor terminates the state of disaster emergency declared on March 11, 2020.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 13-21-115.8 as
3 follows:

4 **13-21-115.8. Immunity from civil liability for entities that**
5 **comply with COVID-19 guidelines - definitions - repeal.** (1) AS USED
6 IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "COVID-19" MEANS THE CORONAVIRUS DISEASE 2019 CAUSED
8 BY THE SEVERE ACUTE RESPIRATORY SYNDROME CORONAVIRUS 2, ALSO
9 KNOWN AS SARS-CoV-2.

10 (b) "ENTITY" MEANS ANY INDIVIDUAL, CORPORATION,
11 GOVERNMENT OR GOVERNMENTAL SUBDIVISION OR AGENCY,
12 EDUCATIONAL INSTITUTION, RELIGIOUS ORGANIZATION, BUSINESS TRUST,
13 ESTATE, TRUST, LIMITED LIABILITY COMPANY, PARTNERSHIP,
14 ASSOCIATION, OR OTHER LEGAL ENTITY.

15 (c) "GUIDELINES" MEANS ALL APPLICABLE OFFICIAL PUBLIC
16 HEALTH GUIDELINES, INSTRUCTIONS, ORDERS, AND MANDATES RELATED
17 TO COVID-19 ISSUED BY THE GOVERNOR, THE COLORADO DEPARTMENT
18 OF PUBLIC HEALTH AND ENVIRONMENT, OR ANY OTHER GOVERNMENT OR
19 GOVERNMENTAL SUBDIVISION OR AGENCY.

20 (2) AN ENTITY IS IMMUNE FROM CIVIL LIABILITY FOR ANY ACT OR
21 OMISSION THAT RESULTS IN EXPOSURE, LOSS, DAMAGE, INJURY, OR DEATH
22 ARISING OUT OF COVID-19 IF THE ENTITY ATTEMPTS IN GOOD FAITH TO
23 COMPLY WITH APPLICABLE GUIDELINES UNLESS THE EXPOSURE, LOSS,
24 DAMAGE, INJURY, OR DEATH WAS CAUSED BY GROSS NEGLIGENCE OR A
25 WILLFUL AND WANTON ACT OR OMISSION OF THE ENTITY.

26 (3) NOTHING IN THIS SECTION ABROGATES OR LIMITS ANY EXISTING

1 IMMUNITY GRANTED TO AN ENTITY.

2 (4) THIS SECTION IS REPEALED, EFFECTIVE TWO YEARS AFTER THE
3 DATE THE GOVERNOR OR THE GENERAL ASSEMBLY TERMINATES THE STATE
4 OF DISASTER EMERGENCY DECLARED BY THE GOVERNOR ON MARCH 11,
5 2020, PURSUANT TO SECTION 24-33.5-704. THE GOVERNOR'S OFFICE SHALL
6 NOTIFY THE REVISOR OF STATUTES IN WRITING ON THE DATE OF
7 TERMINATION BY E-MAILING THE NOTICE TO
8 REVISOROFSTATUTES.GA@STATE.CO.US.

9 **SECTION 2. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly; except
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V
13 of the state constitution against this act or an item, section, or part of this
14 act within such period, then the act, item, section, or part will not take
15 effect unless approved by the people at the general election to be held in
16 November 2022 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.