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## National Council of Insurance Legislators (NCOIL)

### Coronavirus Limited Immunity Model Act

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*\*Sponsored by Rep. Bart Rowland (KY)*

*\*Co-Sponsored by Rep. Matt Lehman (IN)*

*\*Draft as of November 9, 2020.*

*\*To be introduced and discussed during the Property & Casualty Insurance Committee on December 12, 2020.*

#### **Section 1. Title**

This Act shall be known and may be cited as the “[State] Coronavirus Limited Immunity Act.”

#### **Section 2. Definitions**

(A) "Coronavirus" means:

- (1) Severe acute respiratory syndrome coronavirus 2;
- (2) The disease caused by severe acute respiratory syndrome coronavirus 2; or
- (3) Any subsequently identified mutation, modification, or strain of coronavirus if the transmission of said virus among humans rises to the level of an epidemic or pandemic and qualifies for an emergency declaration under applicable [State] law.

(B) "Person" means any entity recognized in this state and shall include but not be limited to an individual, corporation, limited liability company, partnership, trust, association, church or religious organization, city, county, school district, college, university or other institution of higher education, or other unit of local government. However, "person" shall not include any [State] public health district; the federal government or any of its

agencies; the state of [State] or any of its agencies, except colleges, universities, and other institutions of higher education; nor any foreign government or foreign jurisdiction.

**Section 3. Limited Immunity from Liability**

(A) Subject to the other provisions of this section, a person is immune from civil liability for damages or an injury resulting from exposure of an individual to coronavirus.

(B) Immunity as described in this section shall not apply to acts or omissions that constitute an intentional tort or willful or reckless misconduct as defined in [State Tort Code].

(C) Nothing in this Act shall be construed to modify the application of [State] worker's compensation laws.

(D) The immunity provided in this section is in addition to any other immunity protection that may apply in state or federal law.

**Section 4. Effective Date**

An emergency existing therefor, which emergency is hereby declared to exist, this Act shall be in full force and effect on and after its passage and approval.

**Section 5. Sunset Date**

The provisions of Section 3 of this Act shall be null, void, and of no force and effect on and after [        ].