

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

**INTRODUCED**

LLS NO. 21-0520.01 Shelby Ross x4510

**SENATE BILL 21-080**

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**SENATE SPONSORSHIP**

**Woodward,**

**HOUSE SPONSORSHIP**

**Bird and Bradfield, Larson**

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**Senate Committees**

Business, Labor, & Technology

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING PROTECTIONS FOR ENTITIES THAT COMPLY WITH PUBLIC**  
102 **HEALTH GUIDELINES RELATED TO COVID-19.**

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**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>.)*

An entity is not liable for any damages that result from exposure, loss, damage, injury, or death arising out of COVID-19 unless:

- A claimant proves by clear and convincing evidence that the exposure, loss, damage, injury, or death was caused by the entity's failure to comply with public health guidelines; or

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.

- The exposure, loss, damage, injury, or death was caused by gross negligence or a willful and wanton act or omission of the entity.

The bill is repealed 2 years after the date the governor terminates the state of disaster emergency declared on March 11, 2020.

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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. Protections for entities that comply with public**  
5 **health guidelines - definitions - repeal.** (1) AS USED IN THIS SECTION,  
6 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) "PUBLIC HEALTH GUIDELINES" MEANS ALL APPLICABLE  
16 OFFICIAL PUBLIC HEALTH GUIDELINES, INSTRUCTIONS, ORDERS, AND  
17 MANDATES RELATED TO COVID-19 ISSUED BY THE GOVERNOR, THE  
18 COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, OR ANY  
19 OTHER GOVERNMENT OR GOVERNMENTAL SUBDIVISION OR AGENCY.

20 (2) AN ENTITY IS NOT LIABLE FOR ANY DAMAGES FOR EXPOSURE,  
21 LOSS, DAMAGE, INJURY, OR DEATH AS A RESULT OF COVID-19, UNLESS:

22 (a) A CLAIMANT PROVES BY CLEAR AND CONVINCING EVIDENCE  
23 THAT THE EXPOSURE, LOSS, DAMAGE, INJURY, OR DEATH WAS CAUSED BY

1 THE ENTITY'S FAILURE TO COMPLY WITH PUBLIC HEALTH GUIDELINES; OR

2 (b) THE EXPOSURE, LOSS, DAMAGE, INJURY, OR DEATH WAS  
3 CAUSED BY GROSS NEGLIGENCE OR A WILLFUL AND WANTON ACT OR  
4 OMISSION OF THE ENTITY.

5 (3) NOTHING IN THIS SECTION ABROGATES OR LIMITS ANY EXISTING  
6 IMMUNITY GRANTED TO AN ENTITY.

7 (4) THIS SECTION IS REPEALED, EFFECTIVE TWO YEARS AFTER THE  
8 DATE THE GOVERNOR OR THE GENERAL ASSEMBLY TERMINATES THE STATE  
9 OF DISASTER EMERGENCY DECLARED BY THE GOVERNOR ON MARCH 11,  
10 2020, PURSUANT TO SECTION 24-33.5-704. THE GOVERNOR'S OFFICE SHALL  
11 NOTIFY THE REVISOR OF STATUTES IN WRITING ON THE DATE OF  
12 TERMINATION BY E-MAILING THE NOTICE TO  
13 REVISOROFSTATUTES.GA@STATE.CO.US.

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