



# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 1 be amended to read as follows:

- 1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 34-6-2-3.8 IS ADDED TO THE INDIANA CODE  
4 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE  
5 UPON PASSAGE]: **Sec. 3.8. "Arising from COVID-19", for**  
6 **purposes of IC 34-30-32, has the meaning set forth in**  
7 **IC 34-30-32-2."**  
8           Page 1, line 4, delete "IC 34-30-32-2." and insert "**IC 34-30-32-3.**".  
9           Page 1, between lines 16 and 17, begin a new paragraph and insert:  
10          "SECTION 5. IC 34-6-2-103, AS AMENDED BY P.L.132-2015,  
11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 UPON PASSAGE]: Sec. 103. (a) "Person", for purposes of IC 34-14,  
13 has the meaning set forth in IC 34-14-1-13.  
14          (b) "Person", for purposes of IC 34-11-2-11.5 and IC 34-24-4,  
15 means:  
16           (1) an individual;  
17           (2) a governmental entity;  
18           (3) a corporation;  
19           (4) a firm;  
20           (5) a trust;  
21           (6) a partnership; or  
22           (7) an incorporated or unincorporated association that exists  
23 under or is authorized by the laws of this state, another state, or a  
24 foreign country.  
25          (c) "Person", for purposes of section 44.8 of this chapter and  
26 IC 34-30-29-1, means an adult or a minor.  
27          (d) "Person", for purposes of IC 34-26-4, has the meaning set forth

- 1 in IC 35-31.5-2-234.
- 2 (e) "Person", for purposes of IC 34-30-5, means any of the  
3 following:
- 4 (1) An individual.
  - 5 (2) A corporation.
  - 6 (3) A partnership.
  - 7 (4) An unincorporated association.
  - 8 (5) The state (as defined in IC 34-6-2-140).
  - 9 (6) A political subdivision (as defined in IC 34-6-2-110).
  - 10 (7) Any other entity recognized by law.
- 11 (f) "Person", for purposes of IC 34-30-6, means an individual, a  
12 corporation, a limited liability company, a partnership, an  
13 unincorporated association, or a governmental entity that:
- 14 (1) has qualifications or experience in:
    - 15 (A) storing, transporting, or handling a hazardous substance or  
16 compressed gas;
    - 17 (B) fighting fires;
    - 18 (C) emergency rescue; or
    - 19 (D) first aid care; or
  - 20 (2) is otherwise qualified to provide assistance appropriate to  
21 remedy or contribute to the remedy of the emergency.
- 22 (g) "Person", for purposes of IC 34-30-18, includes:
- 23 (1) an individual;
  - 24 (2) an incorporated or unincorporated organization or association;
  - 25 (3) the state of Indiana;
  - 26 (4) a political subdivision (as defined in IC 36-1-2-13);
  - 27 (5) an agency of the state or a political subdivision; or
  - 28 (6) a group of such persons acting in concert.
- 29 (h) "Person", for purposes of sections 42, 43, 69, and 95 of this  
30 chapter, means an individual, an incorporated or unincorporated  
31 organization or association, or a group of such persons acting in  
32 concert.
- 33 (i) "Person", for purposes of IC 34-30-10.5, means the following:
- 34 (1) A political subdivision (as defined in IC 36-1-2-13).
  - 35 (2) A volunteer fire department (as defined in IC 36-8-12-2).
  - 36 (3) An employee of an entity described in subdivision (1) or (2)  
37 who acts within the scope of the employee's responsibilities.
  - 38 (4) A volunteer firefighter (as defined in IC 36-8-12-2) who is  
39 acting for a volunteer fire department.
  - 40 (5) A corporation, a limited liability company, a partnership, an  
41 unincorporated association, or any other entity recognized by law.
- 42 (j) "Person", for purposes of IC 34-28-7, means:
- 43 (1) an individual;
  - 44 (2) a governmental entity;
  - 45 (3) a corporation;
  - 46 (4) a firm;

- 1 (5) a trust;
- 2 (6) a partnership; or
- 3 (7) an incorporated or unincorporated association that exists
- 4 under or is authorized by the laws of this state, another state, or a
- 5 foreign country.

6 (k) "Person", for purposes of IC 34-31-9, has the meaning set forth  
7 in IC 34-31-9-8.

8 **(l) "Person", for purposes of IC 34-30-32, has the meaning set**  
9 **forth in IC 34-30-32-4.**

10 SECTION 6. IC 34-6-2-113.3 IS ADDED TO THE INDIANA  
11 CODE AS A NEW SECTION TO READ AS FOLLOWS  
12 [EFFECTIVE UPON PASSAGE]: **Sec. 113.3. "Premises", for**  
13 **purposes of IC 34-30-32, has the meaning set forth in**  
14 **IC 34-30-32-5."**

15 Page 2, between lines 4 and 5, begin a new paragraph and insert:

16 **"Sec. 2. (a) As used in this chapter, "arising from COVID-19"**  
17 **means an injury or harm caused by or resulting from:**

- 18 (1) the actual, alleged, or possible exposure to or contraction
- 19 of COVID-19; or
- 20 (2) services, treatment, or other actions performed in response
- 21 to COVID-19.

22 **(b) The term includes:**

- 23 (1) the implementation of policies and procedures to prevent
- 24 or minimize the spread of COVID-19;
- 25 (2) testing;
- 26 (3) monitoring, collecting, reporting, tracking, tracing,
- 27 disclosing, or investigating COVID-19 exposure or other
- 28 COVID-19 related information;
- 29 (4) using, designing, manufacturing, providing, donating, or
- 30 servicing precautionary, diagnostic, collection, or other health
- 31 equipment or supplies, including personal protective
- 32 equipment;
- 33 (5) closing or partially closing to prevent or minimize the
- 34 spread of COVID-19;
- 35 (6) delaying or modifying the schedule or performance of any
- 36 medical procedure; and
- 37 (7) providing services or products in response to government
- 38 appeal or repurposing operations to address an urgent need
- 39 for personal protective equipment, sanitation products, or
- 40 other products necessary to protect the public."

41 Page 2, line 5, delete "Sec. 2." and insert "**Sec. 3.**".

42 Page 2, line 12, delete "Sec. 3." and insert "**Sec. 4.**".

43 Page 2, line 25, delete "Sec. 4." and insert "**Sec. 5.**".

44 Page 2, line 27, delete "Sec. 5." and insert "**Sec. 6.**".

45 Page 2, line 28, delete "resulting from" and insert "**arising from**  
46 **COVID-19:**".

- 1 Page 2, delete line 29.
- 2 Page 2, line 36, delete "Sec. 6." and insert "**Sec. 7.**".
- 3 Page 2, line 41, delete "Sec. 7." and insert "**Sec. 8.**".
- 4 Page 3, between lines 7 and 8, begin a new paragraph and insert:
- 5 "**(c) This chapter does not affect the duty of care owed by a:**
- 6 **(1) nursing facility (as defined in 42 U.S.C. 1396r(a));**
- 7 **(2) nursing home; or**
- 8 **(3) skilled nursing home;**
- 9 **to a patient, notwithstanding any procedures, policies, services,**
- 10 **treatment, or any other actions undertaken by the nursing facility,**
- 11 **nursing home, or skilled nursing home in response to COVID-19.**".
- 12 Page 3, line 8, delete "Sec. 8." and insert "**Sec. 9.**".
- 13 Page 3, between lines 10 and 11, begin a new paragraph and insert:
- 14 "**Sec. 10. A person may not bring a class action lawsuit based on**
- 15 **tort damages arising from COVID-19.**".
- 16 Page 3, line 11, delete "Sec. 9." and insert "**Sec. 11.**".
- 17 Page 4, between lines 28 and 29, begin a new paragraph and insert:
- 18 "**Sec. 8. A person may not bring a class action lawsuit based on**
- 19 **tort damages for harm that results from the design, manufacture,**
- 20 **labeling, sale, distribution, or donation of a COVID-19 protective**
- 21 **product.**".
- 22 Page 4, line 29, delete "Sec. 8." and insert "**Sec. 9.**".
- 23 Renumber all SECTIONS consecutively.  
(Reference is to SB 1 as printed January 15, 2021.)

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Senator MESSMER