

# HOUSE BILL No. 1258

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-31-13.

**Synopsis:** Civil immunity related to COVID-19. Provides that a person or the person's agent who conducts business in Indiana is not liable in a civil action claiming an injury from exposure or potential exposure to COVID-19 if the act or omission alleged to violate a duty of care of the person or agent was committed or omitted in compliance with or was consistent with any of the following applicable at the time of the alleged exposure: (1) Federal or state regulations. (2) An executive order issued by the president of the United States or the governor. (3) Guidance. Defines guidance as written guidelines related to COVID-19 issued by any of the following: (1) The Centers for Disease Control and Prevention. (2) The Occupational Safety and Health Administration of the United States Department of Labor. (3) The Indiana state department of health. (4) Any other agency, board, or commission of the state of Indiana. Specifies that the limited liability for alleged COVID-19 exposures does not apply to a cause of action for medical malpractice. Provides that immunity from civil liability is not granted to a person whose actions or omissions constitute gross negligence or willful or wanton misconduct.

**Effective:** March 1, 2020 (retroactive).

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January 14, 2021, read first time and referred to Committee on Judiciary.

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First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

## HOUSE BILL No. 1258

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 34-31-13 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 MARCH 1, 2020 (RETROACTIVE)]:

4 **Chapter 13. Limited Liability Relating to COVID-19**

5 **Sec. 1. (a) This chapter applies to a civil action filed after**  
6 **February 29, 2020.**

7 **(b) This chapter does not apply to a cause of action for medical**  
8 **malpractice initiated under IC 34-18.**

9 **Sec. 2. As used in this chapter, "COVID-19" means the novel**  
10 **coronavirus identified as SARS-CoV-2, the disease caused by**  
11 **SARS-CoV-2, and conditions associated with the disease.**

12 **Sec. 3. As used in this chapter, "guidance" means written**  
13 **guidelines related to COVID-19 issued by any of the following:**

- 14 **(1) The Centers for Disease Control and Prevention.**  
15 **(2) The Occupational Safety and Health Administration of the**  
16 **United States Department of Labor.**  
17 **(3) The Indiana state department of health.**



1           **(4) Any other agency, board, or commission of the state of**  
2           **Indiana.**  
3           **Sec. 4. As used in this chapter, "person" means an individual,**  
4           **firm, partnership, corporation, association, or other legal entity.**  
5           **Sec. 5. Subject to section 7 of this chapter, a person or the**  
6           **person's agent who conducts business in Indiana is not liable in a**  
7           **civil action claiming an injury from exposure or potential exposure**  
8           **to COVID-19 if the act or omission alleged to violate a duty of care**  
9           **of the person or agent was committed or omitted in compliance**  
10           **with or was consistent with any of the following applicable at the**  
11           **time of the alleged exposure:**  
12           **(1) Federal or state regulations.**  
13           **(2) An executive order issued by the president of the United**  
14           **States or the governor.**  
15           **(3) Guidance.**  
16           **Sec. 6. Subject to section 7 of this chapter, a person or the**  
17           **person's agent is immune from civil liability under section 5 of this**  
18           **chapter if the person's or agent's conduct is in compliance with or**  
19           **is consistent with any applicable guidance when two (2) or more**  
20           **sources of guidance are applicable to the conduct or risk at the**  
21           **time of the alleged exposure.**  
22           **Sec. 7. This chapter does not grant immunity from civil liability**  
23           **to a person whose actions or omissions constitute gross negligence**  
24           **or willful or wanton misconduct.**  
25           **SECTION 2. An emergency is declared for this act.**

