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ASSEMBLY BILL NO. 159—ASSEMBLYMEN HANSEN, TITUS;  
DICKMAN, ELLISON, HAFEN, HARDY, KASAMA, KRASNER,  
MATTHEWS, O’NEILL, ROBERTS, TOLLES AND WHEELER

FEBRUARY 22, 2021

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JOINT SPONSORS: SENATORS HANSEN,  
HAMMOND, PICKARD AND BUCK

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Referred to Committee on Judiciary

**SUMMARY**—Limits the civil liability of certain public schools for personal injury or death resulting from exposure to COVID-19. (BDR 3-230)

**FISCAL NOTE:** Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

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**AN ACT** relating to actions concerning persons; limiting the civil liability of certain public schools for personal injury or death resulting from exposure to COVID-19; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law provides that certain businesses conducted for profit, certain  
2 governmental entities and private nonprofit organizations are immune from civil  
3 liability for personal injury or death resulting from exposure to COVID-19 if the  
4 business, governmental entity or private nonprofit organization substantially  
5 complied with controlling health standards. Existing law also: (1) requires the  
6 complaint in any such civil action to be pled with particularity; (2) provides that  
7 such immunity does not apply if the business, governmental entity or private  
8 nonprofit organization violated controlling health standards with gross negligence  
9 and the gross negligence was the proximate cause of the personal injury or death;  
10 and (3) requires the court, as a matter of law, to determine substantial compliance  
11 with controlling health standards. (NRS 41.810-41.835) The provisions of this  
12 existing law apply only to a cause of action or claim arising from a personal injury  
13 or death resulting from exposure to COVID-19 that accrues before, on or after  
14 August 7, 2020, and before the later of: (1) the date on which the Governor  
15 terminates the emergency described in the Declaration of Emergency for COVID-  
16 19 issued on March 12, 2020; or (2) July 1, 2023. (Section 34 of chapter 8, Statutes  
17 of Nevada 2020, 32nd Special Session, p.114)



18 Under existing law, such immunity does not apply to any public school entity  
19 for pupils in preschool, kindergarten or any grades 1 to 12, inclusive, including,  
20 without limitation, a school district, a charter school or a university school for  
21 profoundly gifted pupils. (NRS 41.825) **Section 1** of this bill expands that  
22 immunity from civil liability for personal injury or death resulting from exposure to  
23 COVID-19 to any public school entity for pupils in preschool, kindergarten or any  
24 grades 1 to 12, inclusive, including, without limitation, a school district, a charter  
25 school or a university school for profoundly gifted pupils. **Section 2** of this bill  
26 provides that the provisions of **section 1** apply for the same duration as the  
27 provisions providing such immunity under existing law.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 41.825 is hereby amended to read as follows:  
2 41.825 ~~{-}~~ “Governmental entity” means the State of  
3 Nevada or any of its agencies or political subdivisions. As used in  
4 this subsection, “political subdivision” includes any organization or  
5 entity described in NRS 41.0305.

6 ~~{2. The term does not include any public school entity for~~  
7 ~~pupils in preschool, kindergarten or any grades 1 to 12, inclusive,~~  
8 ~~including, without limitation, a school district, a charter school or a~~  
9 ~~university school for profoundly gifted pupils.}~~

10 **Sec. 2.** The amendatory provisions of section 1 of this act  
11 apply only to a cause of action or claim arising from a personal  
12 injury or death specified in NRS 41.835 that accrues before, on or  
13 after the effective date of this act and before the later of:

14 1. The date on which the Governor terminates the emergency  
15 described in the Declaration of Emergency for COVID-19 issued on  
16 March 12, 2020; or

17 2. July 1, 2023.

18 **Sec. 3.** This act becomes effective upon passage and approval.

