

By: Oliverson

H.B. No. 4481

A BILL TO BE ENTITLED

AN ACT

relating to civil liability arising from COVID-19.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 100C to read as follows:

CHAPTER 100C. LIABILITY ARISING FROM COVID-19

Sec. 100C.001. DEFINITIONS. In this chapter:

(1) "Arising from COVID-19," with respect to personal injury or death, means the injury or harm giving rise to the personal injury or death was caused by or resulted from:

(A) the actual, alleged, or possible exposure to or contraction of COVID-19;

(B) services, treatment, or other actions performed, not performed, or delayed in response to COVID-19;

(C) the implementation of policies and procedures to prevent or minimize the spread of COVID-19;

(D) testing for COVID-19;

(E) monitoring, collecting, reporting, tracking, tracing, disclosing, or investigating COVID-19 exposure or other COVID-19 related information;

(F) the use, design, manufacture, provision, donation, or servicing of precautionary, diagnostic, collection, or other health equipment or supplies, including personal protective equipment;

1 (G) the closing or partial closing of a business
2 or premises to prevent or minimize the spread of COVID-19;

3 (H) delaying or modifying the schedule or
4 performance of any medical procedure; or

5 (I) providing services or products in response to
6 government appeal or repurposing operations to address an urgent
7 need for personal protective equipment, sanitation products, or
8 other products necessary to protect the public.

9 (2) "COVID-19" means:

10 (A) the novel coronavirus known as SARS-CoV-2;

11 (B) any mutation of SARS-CoV-2; or

12 (C) the coronavirus disease 2019.

13 Sec. 100C.002. LIMITED IMMUNITY FROM LIABILITY. (a)
14 Notwithstanding any other law, a person who acts in good faith in
15 the course of or through the performance or provision of the
16 person's business operations or on the premises owned or operated
17 by the person is immune from civil liability for ordinary
18 negligence for any personal injury or death arising from COVID-19
19 if the person acts as an ordinary, reasonable, and prudent person
20 would have acted under the same or similar circumstances. For
21 purposes of this subsection, acting as an ordinary, reasonable, and
22 prudent person includes the adoption of reasonable safety measures.

23 (b) There is a rebuttable presumption that safety measures
24 adopted by a person are reasonable for purposes of Subsection (a) if
25 those measures conform to the Centers for Disease Control and
26 Prevention guidelines in existence at the time of an alleged
27 exposure. The rebuttable presumption provided by this subsection

1 does not alter the applicable standard of care for medical, legal,
2 or other negligence cases.

3 (c) This section does not apply to an act or omission that
4 constitutes an intentional tort or wilful or reckless misconduct.

5 (d) Nothing in this section may be construed to modify the
6 application of the state's workers' compensation laws.

7 (e) The immunity provided by this section is in addition to
8 any other immunity under state or federal law.

9 Sec. 100C.003. EXPIRATION. This chapter expires September
10 1, 2023.

11 SECTION 2. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2021.