

SENATE BILL No. 1

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-30-32.

Synopsis: Civil immunity related to COVID-19. Provides civil immunity for damages resulting from exposure of an individual to COVID-19 on the premises owned or operated by a person, on any premises on which the person or an employee or agent of the person provided property or services to the individual, or during an activity managed, organized, or sponsored by the person.

Effective: March 1, 2020 (retroactive).

Messmer, Koch, Brown L, Zay

January 4, 2021, read first time and referred to Committee on Judiciary.



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.

SENATE BILL No. 1



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 34-30-32 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 3 MARCH 1, 2020 (RETROACTIVE)]:
- 4 **Chapter 32. Immunity Related to COVID-19**
- 5 **Sec. 1. As used in this chapter, "COVID-19" means:**
- 6 (1) **severe acute respiratory syndrome coronavirus 2; or**
- 7 (2) **the disease caused by severe acute respiratory syndrome**
- 8 **coronavirus 2.**
- 9 **Sec. 2. As used in this chapter, "person" means:**
- 10 (1) **an individual;**
- 11 (2) **an association;**
- 12 (3) **an institution;**
- 13 (4) **a corporation;**
- 14 (5) **a company;**
- 15 (6) **a trust;**
- 16 (7) **a limited liability company;**
- 17 (8) **a partnership;**



1 **(9) a political subdivision;**
 2 **(10) a government office, department, division, bureau, or**
 3 **other body of government; or**
 4 **(11) any other organization or entity.**
 5 **Sec. 3. As used in this chapter, "premises" means real property**
 6 **and any appurtenant building or structure.**
 7 **Sec. 4. Subject to the other provisions of this chapter, a person**
 8 **is immune from civil liability for damages resulting from exposure**
 9 **of an individual to COVID-19:**
 10 **(1) on the premises owned or operated by the person;**
 11 **(2) on any premises on which the person or an employee or**
 12 **agent of the person provided property or services to the**
 13 **individual; or**
 14 **(3) during an activity managed, organized, or sponsored by**
 15 **the person.**
 16 **Sec. 5. This chapter does not grant immunity from civil liability**
 17 **to a person whose actions or omissions constitute gross negligence**
 18 **or willful or wanton misconduct as proven by clear and convincing**
 19 **evidence.**
 20 **Sec. 6. (a) This chapter supplements and is in addition to:**
 21 **(1) IC 34-13-3 (Indiana Tort Claims Act); and**
 22 **(2) IC 34-18 (Indiana Medical Malpractice Act).**
 23 **(b) This chapter does not apply to:**
 24 **(1) IC 22-3-2 (Worker's Compensation);**
 25 **(2) IC 22-3-7 (Worker's Occupational Diseases**
 26 **Compensation); or**
 27 **(3) IC 22-8 (Occupational Health and Safety).**
 28 **Sec. 7. The immunity provided in this chapter is in addition to**
 29 **any other immunity protection that may apply under state or**
 30 **federal law.**
 31 **Sec. 8. This chapter expires December 31, 2024.**
 32 **SECTION 2. An emergency is declared for this act.**

