

## STATEMENT OF PURPOSE

RS28049C1 / H0004

This proposed legislation would extend heightened protection against lawsuits to individuals, school districts, businesses, and other governmental entities for acts and omissions resulting in the transmission of a strain of coronavirus (COVID-19 or a successor variant). The heightened protection, subject to conditions explained below, would provide civil tort immunity for conduct amounting to negligence or gross negligence, provide no protection for conduct that is willful or reckless, as defined by 6-1601, Idaho Code, or intentional. In order to qualify for heightened protections, an individual or entity must have made a good faith effort to adapt their behavior in response to the pandemic or epidemic or make a reasoned decision that no adaptation was necessary. In order to qualify for heightened protection, an individual or entity must have made a good faith attempt to comply with statutes, regulations, and orders. Relying exclusively upon coronavirus guidelines and recommendations to establish a standard of care in a lawsuit otherwise falling within the purview of this section would be barred. State government and its agencies would be explicitly ineligible for this heightened protection.

### FISCAL NOTE

Since immunity doesn't extend to the state government, this legislation would have no impact on the general fund except as related to institutions of higher learning. While the extent of the transmission of coronavirus and resulting litigation, any fiscal impact to schools, local governments and institutions of higher education would be a positive fiscal impact.

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**DISCLAIMER:** This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).