

**Brit Merrill**

Associate
801.799.5865
Salt Lake City
BJMerrill@hollandhart.com

**Mickell Jimenez**

Partner
801.799.5860
Salt Lake City
MJimenez@hollandhart.com

Utah Legislation Shields Employers and Businesses from COVID-19 Civil Lawsuits

Insight — May 14, 2020

On May 4, 2020, Governor Herbert signed into law S.B. 3007, enacting new legislation that grants civil immunity to persons (including private employers, businesses, and government) related to exposure to COVID-19.

Under the new legislation, a person is immune from civil liability for damages or an injury resulting from exposure of an individual to COVID-19 on the premises owned or operated by the person, or during an activity managed by the person. The legislation applies broadly to individuals, associations, institutions, corporations, companies, trusts, limited liability companies, partnerships, political subdivisions, government offices, departments, divisions, bureaus, or other body of government, and any other organization or entity.

The legislation is intended to allow businesses to reopen with more certainty about COVID-19 related civil lawsuits.

Businesses are cautioned, however, that there is no immunity in cases of "willful misconduct," "reckless infliction of harm," or "intentional infliction of harm." The legislation preserves immunities provided in the Workers' Compensation Act (WCA), the Utah Occupational Disease Act, the Utah Occupational Safety and Health Act (UOSHA), the Governmental Immunity Act of Utah, or other applicable immunity protections under state or federal law. Businesses and employers are therefore encouraged to continue utilizing recommended safeguards to prevent the spread of COVID-19.

The legislation took effect on May 4, 2020 and will be enacted as Utah Code § 78B-4-517. A copy of the bill can be found [here](#).

We encourage you to visit Holland & Hart's Coronavirus Resource Site, a consolidated informational resource offering practical guidelines and proactive solutions to help companies protect their business interests and their workforce. The dynamic Resource Site is regularly refreshed with new topics and updates as the COVID-19 outbreak and the legal and regulatory responses continue to evolve. Sign up to receive updates and for upcoming webinars.

This publication is designed to provide general information on pertinent

legal topics. The statements made are provided for educational purposes only. They do not constitute legal or financial advice nor do they necessarily reflect the views of Holland & Hart LLP or any of its attorneys other than the author(s). This publication is not intended to create an attorney-client relationship between you and Holland & Hart LLP. Substantive changes in the law subsequent to the date of this publication might affect the analysis or commentary. Similarly, the analysis may differ depending on the jurisdiction or circumstances. If you have specific questions as to the application of the law to your activities, you should seek the advice of your legal counsel.