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

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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.