



**William Myers III**

Senior Counsel  
208.383.3954  
Boise  
wmyers@hollandhart.com

# Idaho Legislature Grants Limited Immunity to Businesses Responding to Coronavirus

**Insight — 08/27/2020**

The Idaho Legislature has passed House Bill No. 6, the Coronavirus Limited Immunity Act, during its Special Session. The Act limits civil lawsuit liability for the spread of the coronavirus. The bill passed the Senate on a 27-7 vote and the House on a 54-15 vote. Yesterday, it was sent to the Governor for signature.

The bill differs from that proposed by the Governor as attached to his Proclamation calling the Legislature into special session. As previously reported, the Governor's proposal, which was the product of a legislative working group, relied heavily on good faith efforts of individuals and businesses as the basis to preclude lawsuits for the spread of the virus. The bill that passed yesterday dispenses with good faith tests and simply provides immunity from suit to anyone who exposes another individual to the virus. The exceptions to this blanket immunity are in cases of intentional torts or willful or reckless misconduct. The law, if signed by the Governor, will sunset on July 1, 2021.

Governor Little will need to decide whether to sign the bill into law, allow it to become law without his signature, or veto the bill which would give the Legislature the opportunity to override his veto, a distinct possibility given the strong support for the measure in both the House and Senate.

Opponents of the bill might sue to block it as outside the scope of the Governor's call of the Legislature into special session. Under Idaho's Constitution, the Legislature is limited in a special session to the issues raised in the Governor's proclamation calling the session. Since the bill as passed diverges from the draft bill attached to the Governor's proclamation, the argument would be that the divergence was sufficiently significant to fall outside the scope of the Governor's proclamation. That, however, would be a difficult case to make since the Legislature, as a co-equal branch of Idaho's government, cannot be too tightly bound to the legislative proposals of the Governor as long as the resulting legislation is fairly within the scope of the issues raised in the proclamation.

---

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. 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.

---

*Subscribe to get our Insights delivered to your inbox.*

*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.*