

**SF0019SW001**

1 Delete the Senate standing committee amendment (SF0019SS001/A)  
2 entirely and further amend as follows:

3  
4 Page 1-line 1 After "safety;" insert "specifying the  
5 assumption of risk for exposure to or  
6 contracting COVID-19; defining terms related  
7 to the assumption of risk for COVID-19";.

8  
9 Page 1-line 3 Delete "public health emergencies" and insert  
10 "the public health emergency declared for  
11 COVID-19".

12  
13 Page 1-after line 7 Insert:

14  
15 "Section 1. W.S. 1-1-141 is created to read:

16  
17 **1-1-141. COVID-19 exposure and illness; assumption of the**  
18 **risk.**

19  
20 (a) As used in this section:

21  
22 (i) "Claimant" means any person or estate of a person  
23 seeking recovery of damages in a COVID-19 liability claim;

24  
25 (ii) "COVID-19" means severe acute respiratory syndrome  
26 coronavirus 2 (SARS-CoV-2) and any mutation or viral fragments  
27 thereof or any disease or condition caused by severe acute  
28 respiratory syndrome coronavirus 2 (SARS-CoV-2) that was the  
29 subject of the public health emergency declared by the governor  
30 under W.S. 35-4-115(a)(i) on March 13, 2020;

31  
32 (iii) "COVID-19 liability claim" means a cause of action  
33 for:

34  
35 (A) The transmission, infection, exposure or  
36 potential exposure of COVID-19 to a claimant:

37  
38 (I) At any health care facility or on any  
39 person's or entity's premises that resulted in injury to or death  
40 of the claimant; or

41  
42 (II) Caused by the actions of any health care  
43 provider or other person that resulted in injury to or death of  
44 the claimant.

1  
2 (B) Acts or omissions by a health care facility or  
3 provider in arranging for or providing health care services or  
4 medical care to the claimant that resulted in injury to or death  
5 of the claimant, or where the response to COVID-19 reasonably  
6 interfered with the arranging for or the providing of health care  
7 services or medical care for the claimant; or  
8

9 (C) Manufacturing, labeling, donating or  
10 distributing personal protective equipment or sanitizer that is  
11 directly related to the provision of personal protective equipment  
12 or sanitizer to the claimant by any person or entity during the  
13 public health emergency declared under COVID-19 that departs from  
14 the normal manufacturing, labeling, donating or distributing of  
15 personal protective equipment by an entity and that proximately  
16 causes injury to or the death of the claimant.  
17

18 (iv) "Personal protective equipment" means equipment  
19 worn to minimize exposure to hazards that cause injury or illness,  
20 including gloves, masks, face shields, safety glasses, shoes,  
21 earplugs, muffs, respirators, coveralls, vests and full body  
22 suits;  
23

24 (v) "Sanitizer" means any substance generally used to  
25 decrease infectious agents including viruses on the body, objects  
26 or other spaces that receive human contact.  
27

28 (b) Subject to subsection (c) of this section, in any action  
29 involving a COVID-19 liability claim against a person or entity,  
30 there shall be a rebuttable presumption that the claimant accepted  
31 and assumed the risk when:  
32

33 (i) Upon entering the premises of another person or  
34 entity and when one (1) of the following circumstances existed:  
35

36 (A) The person or entity issued the claimant a  
37 receipt, proof of purchase for entry or other ticket or document  
38 that included a statement, in not less than ten (10) point font  
39 placed apart from any other text, with the following warning:  
40

41 Any person entering the premises waives all  
42 civil liability against the owner and operator  
43 for any injuries caused by the inherent risk  
44 associated with contracting COVID-19 at public  
45 gatherings, except for gross negligence or  
46 willful or wanton misconduct.  
47

1 (B) The person or entity, including a health care  
2 provider or facility, posted at the point of entry to the premises  
3 a sign with font not less than one (1) inch in size, the following  
4 written warning:

5  
6 Under Wyoming law, there is no liability for  
7 an injury or death of a person entering these  
8 premises if the injury or death results from  
9 the inherent risks of contracting or being  
10 exposed to COVID-19. By entering these  
11 premises, you are accepting and assuming this  
12 risk.

13  
14 (c) The assumption of risk specified in subsection (b) of  
15 this section shall not apply to acts or omissions constituting  
16 gross negligence or willful or wanton misconduct.

17  
18 (d) Nothing in this section shall be construed to limit or  
19 restrict the immunity available in W.S. 35-4-114(d) or any other  
20 immunity available under law."

21  
22 Page 1-lines 9 and 10 Delete entirely and insert:

23  
24 "Section 2. W.S. 35-4-114(a) and by creating new subsections  
25 (d) and (e) is amended to read:"

26  
27 Page 1-line 15 Reinsert all stricken language; after "35-4-  
28 115(a)(i)" insert "and subject to subsection  
29 (d) of this section".

30  
31 Page 1-line 16 Reinsert all stricken language; delete all new  
32 language.

33  
34 Page 2-lines 1 through 17 Reinsert all stricken language;  
35 delete all new language.

36  
37 Page 2-lines 19 through 22 Delete entirely.

38  
39 Page 3-lines 1 and 2 Delete entirely and insert:

40  
41 "(d) Any health care provider, person or entity shall be  
42 immune from liability for damages in an action involving a COVID-19  
43 liability claim unless the person seeking damages proves that the  
44 health care provider, person or entity took actions that  
45 constitutes gross negligence or willful or wanton misconduct.  
46 Nothing in this subsection shall be construed to limit any other  
47 immunity available under law, including the immunity provided in

1 subsection (a) of this section. As used in this subsection, "COVID-  
2 19 liability claim" means as defined by W.S. 1-1-141(a)(iii).

3  
4 (e) Any acts or omissions constituting the basis of a COVID-19  
5 liability claim as defined by W.S. 1-1-141(a)(iii) shall be stated  
6 with particularity and shall be proven by clear and convincing  
7 evidence."

8  
9 Page 3-line 4 Delete "**Section 2.**" and insert "**Section 3.**".

10 Page 3-line 5 Delete "Section 1" and insert "Section 2".

11 Page 3-line 9 Delete "**Section 3.**" and insert "**Section 4.**".

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13  
14 NETHERCOTT