

**S.B. No. 6 (citing small portions only of an Omnibus Bill)**

AN ACT relating to liability for certain claims arising during a pandemic or disaster related to a pandemic.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

....CHAPTER 148. LIABILITY DURING PANDEMIC EMERGENCY

Sec. 148.001. DEFINITIONS. In this chapter:

(1) “**Pandemic disease**” has the meaning assigned by Section 74.155.

(2) “**Pandemic emergency**” means a state of disaster declared by the governor under Chapter 418, Government Code, in response to a pandemic disease....

Sec. 148.003. **LIABILITY FOR CAUSING EXPOSURE TO PANDEMIC DISEASE.** (a) A person is **not liable** for injury or death caused by exposing an individual to a pandemic disease during a pandemic emergency **unless** the claimant establishes that:

(1) the person who exposed the individual:

(A) knowingly failed to warn the individual of or remediate a condition that the person knew was likely to result in the exposure of an individual to the disease, provided that the person:

(i) had control over the condition;

(ii) knew that the individual was more likely than not to come into contact with the condition; and

(iii) had a reasonable opportunity and ability to remediate the condition or warn the individual of the condition before the individual came into contact with the condition; or

(B) knowingly failed to implement or comply with government-promulgated standards, guidance, or protocols intended to lower the likelihood of exposure to the disease that were applicable to the person or the person's business, provided that:

(i) the person had a reasonable opportunity and ability to implement or comply with the standards, guidance, or protocols;

(ii) the person refused to implement or comply with or acted with flagrant disregard of the standards, guidance, or protocols; and

(iii) the government-promulgated standards, guidance, or protocols that the person failed to implement or comply with did not, on the date that the individual was exposed to the disease, conflict with government-promulgated standards, guidance, or protocols that the person implemented or complied with; and

(2) reliable scientific evidence shows that the failure to warn the individual of the condition, remediate the condition, or implement or comply with the government-promulgated standards, guidance, or protocols was the cause in fact of the individual contracting the disease....