

Introduced by

Senators Rust, Hogue, Lemm, Schaible

Representatives Longmuir, Monson

1 A BILL for an Act to create and enact a new section to chapter 15.1-19 of the North Dakota  
2 Century Code, relating to school district and employee immunity regarding COVID-19; to  
3 provide for application; and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 15.1-19 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Immunity from COVID-19-related liability - Exceptions.**

8 1. As used in this section, "COVID-19" means:

9 a. Severe acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2; and

10 b. Any disease caused by severe acute respiratory syndrome coronavirus  
11 2 identified as SARS-CoV-2.

12 2. Subject to subsection 3, the superintendent of public instruction, school districts,  
13 schools, school boards and individual school board members, governing boards and  
14 individual governing board members, administrators, principals, teachers, and any  
15 other school district employed personnel are immune from any civil liability for  
16 damage, loss, or injury that results from a student or any other individual contracting,  
17 being exposed to, or potentially being exposed to COVID-19 while in a public school,  
18 on the premises of a school district, in a school district owned or leased schoolbus or  
19 school vehicle, or at any public school or school district sanctioned or sponsored  
20 activity or event.

21 3. Immunity under subsection 2 does not apply to damage, loss, or injury caused by an  
22 individual's gross negligence, willful misconduct, or infliction of harm.

- 1        **SECTION 2. APPLICATION.** This Act applies to claims by students, parents of students, or  
2 any other individual who knew or reasonably should have known about the contraction,  
3 exposure, or potential exposure to COVID-19 before the effective date of this Act.
- 4        **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.