

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

SENATE BILL NO. 2278
(Senators Rust, Hogue, Lemm, Schaible)
(Representatives Longmuir, Monson)

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Immunity from COVID-19-related liability - Exceptions.

1. As used in this section, "COVID-19" means:
 - a. Severe acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2; and
 - b. Any disease caused by severe acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2.
2. Subject to subsection 3, the superintendent of public instruction, school districts, schools, school boards and individual school board members, governing boards and individual governing board members, administrators, principals, teachers, and any other school district employed personnel are immune from any civil liability for damage, loss, or injury that results from a student or any other individual contracting, being exposed to, or potentially being exposed to COVID-19 while in a public school, on the premises of a school district, in a school district owned or leased schoolbus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event.
3. Immunity under subsection 2 does not apply to damage, loss, or injury caused by an individual's gross negligence or willful misconduct.

SECTION 2. APPLICATION. This Act applies to claims by students, parents of students, or any other individual who knew or reasonably should have known about the contraction, exposure, or potential exposure to COVID-19 before the effective date of this Act.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2278 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 44 Nays 3 Absent 0

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 75 Nays 15 Absent 4

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2021.

Approved at _____ M. on _____, 2021.

Governor

Filed in this office this _____ day of _____, 2021,

at _____ o'clock _____ M.

Secretary of State