

2021 Kansas Statutes

60-5506. Covered facilities; affirmative defense to liability in a civil action for COVID-19 claims. (a) Notwithstanding any other provision of law, a covered facility is immune from liability in a civil action for damages for a COVID-19 claim if such facility was in substantial compliance with public health directives applicable to the activity giving rise to the cause of action when the cause of action accrued.

(b) As used in this section, "public health directives" means any of the following that are required by law to be followed related to COVID-19:

- (1) State statutes or rules and regulations; or
- (2) federal statutes or regulations from federal agencies, including the United States centers for disease control and prevention and the occupational safety and health administration of the United States department of labor.

(c) The provisions of this section shall not apply to civil liability when it is established that the act, omission or decision giving rise to the cause of action constituted gross negligence or willful, wanton or reckless conduct.

History: L. 2020, ch. 1, § 13 (Special Session); L. 2021, ch. 35, § 2; April 22.