

**Amendment No. 3 to SB8002**

**Yarbro  
Signature of Sponsor**

**AMEND Senate Bill No. 8002**

**House Bill No. 8001\***

by adding the following language as a new, appropriately designated section in the amendatory language of Section 1:

**29-34-8\_\_**

(a) In connection with a civil action alleging loss, damage, injury, or death based on exposure to or contraction of COVID-19, as defined in § 29-34-802(a), there is a rebuttable presumption that the defendant acted with gross negligence if:

(1) The defendant knowingly violated any COVID-19-related public health order issued by the federal, state, or applicable local government;

(2) The defendant knowingly and consistently disregarded public health guidelines issued by the federal, state, or applicable local government;

(3) The defendant knowingly concealed or knowingly withheld material, health or safety information from employees, customers, or the public that a reasonable person would have disclosed to prevent the transmission of COVID-19 under similar circumstances; or

(4) The defendant did not undertake any meaningful review of any public health guidelines or any meaningful consideration of its policies, practices, or procedures to limit or prevent the transmission of COVID-19.

(b) Where a defendant fails to rebut the presumption of gross negligence established in subsection (a), a claimant can establish a claim for loss, damage, injury, or death arising from COVID-19, by proving by a preponderance of the evidence that the

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defendant caused the loss, damage, injury, or death by an act or omission constituting negligence, gross negligence, or willful misconduct.