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 LEGISLATURE OF THE STATE OF IDAHO  
 Sixty-sixth Legislature First Regular Session - 2021  
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1 AN ACT  
 2 RELATING TO CIVIL LIABILITY; PROVIDING LEGISLATIVE INTENT; AMENDING CHAP-  
 3 TER 16, TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 6-1608,  
 4 IDAHO CODE, TO PROVIDE IMMUNITY FROM CIVIL LIABILITY FOR ACTIONS TAKEN  
 5 IN GOOD FAITH TO ADDRESS OR AMELIORATE A DISASTER OR EMERGENCY, TO DE-  
 6 FINE A TERM, AND TO PROVIDE APPLICABILITY; AND DECLARING AN EMERGENCY.

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. LEGISLATIVE INTENT. In enacting this legislation it is the  
 9 intent of the legislature to limit liability by providing a safe harbor to  
 10 all persons during disasters or emergencies who make good faith efforts to  
 11 meet the requirements occasioned by such an event. The immunity is meant  
 12 to apply broadly to any and all individuals and private and public entities  
 13 in any location and at any time, including without limitation, providers  
 14 of goods and services, owners and operators of any premises such as stores,  
 15 restaurants, bars, hotels, assisted living facilities, offices, schools,  
 16 libraries, hospitals, medical clinics, residences, homes, churches, day-  
 17 cares, and the like that function or operate during the disaster or emergency  
 18 and to those whose normal activities are interrupted by the disaster or emer-  
 19 gency but who make good faith efforts to continue those activities safely  
 20 during the disaster or emergency.

21 SECTION 2. That Chapter 16, Title 6, Idaho Code, be, and the same is  
 22 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 23 ignated as Section 6-1608, Idaho Code, and to read as follows:

24 6-1608. IMMUNITY FROM CIVIL LIABILITY DURING A DECLARED DISASTER OR  
 25 EMERGENCY. (1) A person who acts during a disaster or emergency declared by  
 26 the governor pursuant to chapter 10, title 46, Idaho Code, in an effort to ad-  
 27 dress or ameliorate the declared disaster or emergency or to adapt behavior  
 28 on account of the declared disaster or emergency or who makes a considered  
 29 determination that no adaptation to necessary behavior during the declared  
 30 disaster or emergency is practical shall be immune from civil liability for  
 31 acts or omissions made in good faith, unless those acts or omissions consti-  
 32 tute an intentional tort or willful or reckless misconduct, as defined in  
 33 Section 6-1601, Idaho Code.

34 (2) The immunity provided in this section shall not apply if a person  
 35 fails to make a good faith effort to comply with a statute, rule or lawful or-  
 36 der of a government entity in effect at the time and such failure is the prox-  
 37 imate cause of injury to another, nor shall it apply to acts or omissions that  
 38 occur during a declared disaster or emergency that are unrelated to or unaf-  
 39 fected by the declared disaster or emergency.

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1 (3) Noncompliance with guidelines or recommendations related to a de-  
2 clared disaster or emergency alone shall not be used to establish civil lia-  
3 bility.

4 (4) For the purposes of this section, "person" means any entity recog-  
5 nized in this state and shall include, but not be limited to an individual,  
6 corporation, limited liability company, partnership, trust, association,  
7 city, county, school district, or other unit of local government, the state  
8 of Idaho and any agency or subdivision thereof.

9 (5) The provisions of this section shall not modify the application of  
10 worker's compensation laws as provided in chapters 1 through 9, 13, and 14,  
11 title 72, Idaho Code.

12 (6) The immunity provided in this section shall be in addition to any  
13 other immunity protections that may apply in state or federal law.

14 SECTION 3. An emergency existing therefor, which emergency is hereby  
15 declared to exist, this act shall be in full force and effect on and after its  
16 passage and approval.