

1 **LIABILITY FOR PROVIDING SERVICES TO DISABLED**

2 **ADULTS**

3 2020 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Todd Weiler**

6 House Sponsor: _____

8 **LONG TITLE**

9 **General Description:**

10 This bill addresses liability of entities that provide certain services to an adult with a
11 disability.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms; and
- 15 ▶ enacts provisions that limit the liability of an entity that provides habilitative
16 support services to an adult with a disability.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 ENACTS:

23 **78B-4-517**, Utah Code Annotated 1953

25 *Be it enacted by the Legislature of the state of Utah:*

26 Section 1. Section **78B-4-517** is enacted to read:

27 **78B-4-517. Limited liability for an entity that provides services to high risk**



28 **disabled adults.**

29 (1) As used in this section:

30 (a) "Brain injury" means the same as that term is defined in Section 62A-5-101.

31 (b) "Habilitative support services" means community-based services that assist an
32 individual to keep, learn, or improve skills and functioning necessary for daily living.

33 (c) "Habilitative support service provider" means an entity under contract with the
34 Division of Services for People with Disabilities, created in Section 62A-5-102, to provide
35 habilitative support services to a high risk disabled adult and all owners, operators, and
36 employees of the entity or persons who contract with the entity to provide habilitative support
37 services.

38 (d) "High risk disabled adult" means an individual who:

39 (i) is 18 years old or older;

40 (ii) has:

41 (A) an intellectual disability or related condition; or

42 (B) a brain injury; and

43 (iii) is likely to engage in risk taking behaviors that may lead to harm or injury of
44 another, as further defined by the Division of Services for People with Disabilities, created in
45 Section 62A-5-102, by rule made in accordance with Title 63G, Chapter 3, Utah
46 Administrative Rulemaking Act.

47 (e) "Related condition" means the same as that term is defined in Section 78A-6-105.

48 (2) Except as provided in Subsection (3), an entity is ~~Š→ [immune from suit]~~ **not**
48a **vicariously liable** ~~←Š~~ for damages or
49 injury arising out of or related to the actions or inactions of a high risk disabled adult that occur
50 while the entity provides habilitative support services to the high risk disabled adult.

51 (3) This section does not prohibit an action against a person for damages or injury
52 intentionally caused by the person or resulting from the person's gross negligence.