

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: _____

7

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

24

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**

S.B. 208



disabled adults.

(1) As used in this section:

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

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

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

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

(i) is 18 years old or older;

(ii) has:

(A) an intellectual disability or related condition; or

(B) a brain injury; and

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

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

(2) Except as provided in Subsection (3), an entity is immune from suit for damages or injury arising out of or related to the actions or inactions of a high risk disabled adult that occur while the entity provides habilitative support services to the high risk disabled adult.

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