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Title XXXVI STATUTORY ACTIONS AND TORTS

Chapter 537



Effective - 28 Aug 2021



537.1005. COVID-19 exposure, immunity from liability, when — assumption of risk, signage — no third-party liability, exceptions. — 1. Notwithstanding any other provision of law to the contrary, and except as otherwise provided in this section, no individual or entity engaged in businesses, services, activities, or accommodations shall be liable in any COVID-19 exposure action unless the plaintiff can prove by clear and convincing evidence that:

(1) The individual or entity engaged in recklessness or willful misconduct that caused an actual exposure to COVID-19; and

(2) The actual exposure to COVID-19 caused the personal injury of the plaintiff.

2. No religious organization shall be liable in any COVID-19 exposure action unless the plaintiff can prove intentional misconduct.

3. There shall be a rebuttable presumption of an assumption of risk by a plaintiff in a COVID-19 exposure action when an individual or entity posts or maintains signs or provides written notice which contains the warning notice specified in this subsection. If a sign is posted or maintained, the sign shall be placed in a clearly visible location at the entrance of the business, service, activity, or accommodation. The sign or written notice described in this subsection shall contain the following warning notice in a substantially similar form:

"WARNING

Under Missouri law, any individual entering the premises or engaging the services of the business waives all civil liability against the individual or entity for any damages based on inherent risks associated with an exposure or potential exposure to COVID-19, except for recklessness or willful misconduct."

No religious organization shall be required to post or maintain a sign or provide written notice containing the warning notice specified in this subsection.

4. Adoption of or changes to policies, practices, or procedures of an individual or entity in order to address or mitigate the spread of COVID-19 after the time of the actual,

alleged, feared, or potential for exposure to COVID-19 shall not be considered evidence of liability or culpability.

5. Nothing in this section shall require an individual or entity to establish a written or published policy addressing the spread of COVID-19, including any policy requiring or mandating a vaccination or requiring proof of vaccination.

6. No individual or entity shall be held liable in a COVID-19 exposure action for the acts or omissions of a third party, unless:

(1) The individual or entity had an obligation under general common law principles to control the acts or omissions of the third party; or

(2) The third party was an agent of the individual or entity.

(L. 2021 S.B. 51 & 42)

Expires 8-28-25; see § 537.1035

---- end of effective 28 Aug 2021 ----

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History and Fun Facts

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