

Austin Court of Appeals found the ordinance mandating paid sick leave passed by the City of Austin to have been preempted by the Texas Minimum Wage Act. *Texas Association of Businesses v. City of Austin Texas*, 565 S.W.3d 425 (Tex. App. – Austin 2018). Although the Texas Supreme Court’s denial of the petition was not directly dispositive of the ordinances passed by the Cities of Dallas and San Antonio, the basis for striking Austin’s ordinance is equally applicable to the ordinances passed by the Cities of Dallas and San Antonio.

## UTAH

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### **COVID-19 Provisions (SB 3007)**

The Utah Legislature provided immunity against civil liability for claims arising out of an individual’s exposure to COVID-19 on premises owned or operated by a person or during an activity managed by a person. See Utah Code § 78B-4-517. However, immunity is waived for willful misconduct, reckless infliction of harm, and intentional infliction of harm. *Id.*

This statute is intended to allow businesses to reopen during the pandemic with less fear of civil liability related to COVID-19. This law took effect August 18, 2020.

### **COVID-19 Workers’ Compensation Modifications (HB 5006)**

The Utah Legislature moved coverage for first responders who contract COVID-19 from the Workers’ Compensation Act to the Utah Occupational Disease Act. See Utah Code §§ 34A-3-201 to -206. The statute establishes a rebuttable presumption that a first responder contracted COVID-19 during the performance of his or her duties if the first responder claims that is where he or she contracted the disease. *Id.* § 34A-3-202. These laws took effect June 25, 2020.

### **COVID-19 Immunity Provisions (SB 5003)**

The Utah Legislature created grant programs for business entities that suffered revenue declines due to COVID-19 (“COVID-19 Impacted Businesses Grant Program”),

see Utah Code §§ 63N-15-201 to -202, and for business entities that needed to purchase supplies to comply with COVID-19 public health guidelines so employees could safely return to work (“COVID-19 PPE Support Grant Program”), see Utah Code §§ 63N-15-301 to -302. This law took effect June 29, 2020 and will be repealed on December 31, 2021.

### **Blood Alcohol Limit Amendments (HB 11)**

The Utah Legislature amended certain provisions of the Workers’ Compensation Act to reduce the threshold blood or breath alcohol concentration from .08 to .05 grams. See Utah Code §§ 34A-2-302, -410.5. Specifically, if an employee’s blood or breath alcohol concentration is .05, there is a presumption that the employee’s intoxication was a major contributing cause of his or her injury. *Id.* § 34A-2-302(5)(a)(ii). Unless that presumption is rebutted or it is shown that the employer “permitted, encouraged, or had actual knowledge” of the employee’s intoxication, the employee may not receive disability compensation under the Workers’ Compensation Act or the Utah Occupational Disease Act. See *id.* § 34A-2-302(3)(b)(i), (5)(b). In addition, the commission may reduce or terminate an employee’s disability compensation if the employee was terminated from reemployment due to intoxication with a blood or breath alcohol concentration of .05. *Id.* § 34A-2-410.5(2)(c)(i)(C). This law took effect May 12, 2020.

### **Unemployment Benefits Amendments (SB 3003)**

The Utah Legislature permitted the Department of Workforce Services to waive the one-week waiting period for unemployment benefits if a national or state emergency has been declared or the federal government has agreed to reimburse the state for paying the benefit that week. Utah Code § 35A-4-403.5. This law took effect April 22, 2020.

## **VERMONT**

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### **COVID-19 Related Orders**

Vermont has maintained a rigorous set of precautions and restrictions during the COVID-19 pandemic through a series of Executive Orders of Governor Phil Scott. See <https://governor.vermont.gov/document-types/executive-orders>. All businesses, except for essential businesses, were closed at the outset of COVID-19 in 2020. The state began a phased restart in 2020, under which occupancy rates of business are limited, by industry. The phased restart details can be found, by industry, at <https://accd.vermont.gov/covid-19>.