

Carl R. Albrecht proposes the following substitute bill:

Limitation of Actions Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl R. Albrecht

Senate Sponsor:

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LONG TITLE

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General Description:

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This bill addresses the liability of a person for damage or injury caused by greenhouse gas emissions.

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Highlighted Provisions:

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This bill:

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▸ defines terms;

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▸ clarifies the limitation on liability of a person for damage or injury caused by greenhouse gas emissions;

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▸ removes the requirement that a person reside or do business in this state to qualify for limited liability for damage or injury caused by greenhouse gas emissions; and

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▸ makes technical and conforming changes.

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Money Appropriated in this Bill:

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None

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Other Special Clauses:

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None

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Utah Code Sections Affected:

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AMENDS:

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78B-4-515, as last amended by Laws of Utah 2011, Chapter 340

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

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Section 1. Section **78B-4-515** is amended to read:

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78B-4-515 . Limitation on liability for greenhouse gases.

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~~[(1) "Greenhouse gas" means water vapor, carbon dioxide, methane, nitrous oxide, ozone, and chlorofluorocarbons.]~~

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(1) As used in this section, "greenhouse gas" means any of the following, whether derived

29 from human activity or a natural source:

30 (a) carbon dioxide;

31 (b) methane;

32 (c) nitrous oxide;

33 (d) sulfur hexafluoride;

34 (e) hydrofluorocarbons;

35 (f) perfluorocarbons; or

36 (g) nitrogen trifluoride.

37 ~~(2)(a) [A person residing or doing business in this state may not be held liable for~~
 38 ~~damage or injury to another arising out of any actual or potential effect on climate~~
 39 ~~caused by contributions to emissions of greenhouse gases unless it can be proved by~~
 40 ~~clear and convincing evidence that the person has:] A person is not civilly or~~
 41 ~~criminally liable, and may not be subject to any judicial remedy under any principle~~
 42 ~~of law or equity, for damage or injury from any actual or potential effect on climate~~
 43 ~~caused wholly or partly by greenhouse gas emissions, unless a court finds by clear~~
 44 ~~and convincing evidence that the person has:~~

45 ~~[(a)] (i) violated an enforceable statutory limitation or restriction against emissions of~~
 46 ~~a specific greenhouse gas originating within this state; or~~

47 ~~[(b)] (ii) violated the express terms of a valid, enforceable operating, air, or other~~
 48 ~~permit issued by a state or federal regulatory agency that has jurisdiction over the~~
 49 ~~person's greenhouse gas emissions[-of the person or business].~~

50 (b) Subsection (2)(a) applies regardless of the cause of action or type of relief sought,
 51 whether legal or equitable.

52 (3) The person bringing the action shall:

53 (a) specify each greenhouse gas emitted by the defendant which is asserted to give rise
 54 to the cause of action; and

55 (b) show by clear and convincing evidence that unavoidable and identifiable damage or
 56 injury has resulted or will result as a direct cause of the defendant's violation of
 57 statutory and permitting limits.

58 **Section 2. Effective Date.**

59 This bill takes effect on May 6, 2026.