
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry J. Guillot.

SB 449 Original DIGEST 2020 Regular Session Boudreaux

Proposed law defines:

- (1) "Local public health authority" or "authority" means the political subdivision charged with the responsibility of preserving the public health under state law.
- (2) "Contagious or infectious disease" means COVID-19 or any other disease capable of being transmitted from one person on an organism to another person either directly or indirectly.
- (3) "First responder" means all of the following:
 - (a) A peace officer.
 - (b) An employee of an ambulance provider.
 - (c) A firefighter employed by a political subdivision.
 - (d) A volunteer firefighter, emergency operator, or rescue operator.
- (4) "Violation " means an occasion of noncompliance with proposed law involving a single injured individual.

Proposed law requires a local health authority that becomes aware of a patient's presumptive positive case for a contagious or infectious disease to promptly determine whether the patient was treated, handled, or transported for medical care by a first responder in the 30 days prior to becoming aware of the presumptive positive case. Requires that if the patient was treated, handled, or transported by one or more first responders under those circumstances, the local health authority promptly provide verbal notification of the presumptive positive case to each first responder involved with the patient's treatment, handling, or transportation, as well as that responder's employer.

Provides that a first responder or that worker's employer who has received verbal notification under proposed law may request to be notified of the results, whether positive or negative, of any test performed on the patient to determine the presence of a contagious or infectious disease.

Requires that the local health authority provide a list of the names, addresses, and test results, (whether positive, negative or pending) of all individuals it knows to have been tested or received treatment for contagious or infectious disease to an ambulance provider for use on a per-call basis. Authorizes an ambulance provider to use information on the list to inform its personnel who are responding to any particular emergency call so that the personnel can take extra precautions or use

personal protective equipment.

Provides that any notification and record of a notification made under proposed law shall be confidential and not a public record. Provides that no person to whom notification is disclosed shall not disclose the information to another person except as authorized by proposed law.

Provides that no person or government entity shall knowingly fail to comply with either the above provisions.

Provides that a local health authority that knowingly violates any of the above provisions may be found liable in a civil action, which may be brought by any individual injured by the violation.

Provides that the court may award compensatory damages and any equitable relief, including injunctive relief, it finds appropriate, and, if an award is made in favor of the plaintiff, the court may award reasonable attorney's fees to the plaintiff after a hearing to determine the amount of the fees.

However, an authority that acts in good faith in accordance with the above provisions shall not be liable for damages in a civil action brought pursuant proposed law.

Provides that a civil action under proposed law is barred unless the action is commenced within one year after the cause of action accrued.

Provides that the remedies provided in proposed law shall be the exclusive civil remedies for an individual injured by noncompliance with notification and list provisions of proposed law.

Provides that whoever violates proposed law by knowingly fail to comply with either the notification or list provisions of proposed law shall be guilty of a misdemeanor and fined not more than \$5,000. In addition, violation shall constitute grounds for suspension or revocation of the professional license or certificate of the violator or for other disciplinary action by the respective professional regulatory board.

Provides that no ambulance service provider who in good faith establishes and implements protocols for the donning and doffing of personal protective equipment and/or workforce reentry in accordance with the Centers for Disease Control guideline or any rule established by the La. Department of Health in the rendering of care or services to a person or persons suspected of having a contagious or infectious disease shall be liable for any civil damages as a result of any emergency medical technician who provided such care or services who later tests positive for that same contagious or infectious disease. Defines, "emergency medical technician" as an EMS practitioner and a certified first responder.

Provides that the La. Department of Health through the office of public health shall promulgate rules and regulations to implement proposed law.

Provides that proposed law shall supersede any conflicting provision of present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 44:4.1(B)(26); adds R.S. 40:1272.2)