

2020 First Extraordinary Session

HOUSE BILL NO. 58

BY REPRESENTATIVE FIRMENT

LIABILITY: Provides relative to limitations of liability due to the COVID-19 public health emergency (Item #40)

1 AN ACT

2 To enact R.S. 9:2800.27, relative to the limitation of liability; to provide for the limitation
3 of liability during the COVID-19 public health emergency; to provide for the liability
4 of certain nonprofit organizations and religious institutions; to provide for the rights
5 of employees; to provide for liability related to business operations; to provide for
6 liability related to events; to provide for claims pursuant to the Louisiana Workers'
7 Compensation Law; to provide for retroactive application; to provide for an effective
8 date; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 9:2800.27 is hereby enacted to read as follows:

11 §2800.27. Nonprofit and religious organization limitation of liability during the
12 COVID-19 public health emergency

13 A. Notwithstanding any other provision of law to the contrary, a nonprofit
14 organization or religious institution and its employees shall not be held liable for any
15 civil damages for injury or death resulting from or related to actual or alleged
16 exposure to COVID-19 in the course of or through the performance or provision of
17 the nonprofit organization's or religious institution's business operations, unless the
18 nonprofit organization or religious institution failed to substantially comply with the
19 applicable COVID-19 procedures established by the federal, state, or local agency
20 which governs the business operations and the injury or death was caused by the

1 nonprofit organization's or religious institution's gross negligence or wanton or
2 reckless misconduct. If two or more sources of procedures are applicable to the
3 business operations at the time of the actual or alleged exposure, the nonprofit
4 organization or religious institution shall substantially comply with any one
5 applicable set of procedures.

6 B. No nonprofit organization or religious institution shall be held liable for
7 any civil damages for injury or death resulting from or related to actual or alleged
8 exposure to COVID-19 in the course of or through the performance of hosting,
9 promoting, producing or otherwise organizing, planning or owning a tradeshow,
10 convention, meeting, association produced event, corporate event, sporting event,
11 worship service, festival, parade, or exhibition of any kind, unless such damages
12 were caused by the gross negligence or willful or wanton misconduct of the
13 nonprofit organization or religious institution.

14 C. This Section shall not affect the right of any person to receive benefits
15 provided under Louisiana Workers' Compensation Law.

16 D. For the purposes of this Section:

17 (1) "Employee" means an employee, volunteer, or independent contractor
18 of the nonprofit organization or religious institution, including ministers, directors,
19 officers, board members, deacons, elders, trustees, and lay ministers.

20 (2) "Nonprofit organization" means a not-for-profit organization qualified
21 as a tax-exempt organization under Section 501(c) of the Internal Revenue Code.

22 (3) "Religious institution" means a church, association of churches, or other
23 religious order, body, or institution that qualifies for exemption from taxation under
24 Section 501(c)(3) or (d) of the Internal Revenue Code.

25 Section 2. Due to the imminent threat posed by COVID-19, as provided in
26 Proclamation Number 25 JBE 2020 and any subsequent proclamation declaring the existence
27 of a statewide public health emergency, Section 1 of this Act shall be retroactive to March
28 11, 2020.

1 Section 3. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 58 Original

2020 First Extraordinary Session

Firmment

Abstract: Provides relative to immunity from civil liability for nonprofit organizations and religious institutions during the COVID-19 public health emergency.

Proposed law provides that nonprofit organizations or religious institutions or employees thereof shall not be liable for civil damages for injury or death resulting from exposure to COVID-19 in the course of business operations unless it is proven that the nonprofit organization or religious institution was not in substantial compliance with applicable COVID-19 procedures, and unless such damage was caused by gross negligence or willful or wanton misconduct.

Proposed law provides that nonprofit organizations or religious institutions or employees thereof shall not be liable for civil damages for injury or death resulting from exposure to COVID-19 in the course of hosting or producing meetings and other events, unless such damage was caused by gross negligence or willful or wanton misconduct.

Proposed law provides that when two or more sets of COVID-19 procedures apply to a business operation, the responsible party need only substantially comply with one applicable set of procedures.

Proposed law exempts from the limitation of liability the right to receive benefits provided by the Workers' Compensation Law.

Proposed law is retroactive to March 11, 2020.

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

(Adds R.S. 9:2800.27)