

2023 Regular Session

SENATE BILL NO. 139

BY SENATOR HARRIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LIABILITY. Provides relative to public health emergencies. (gov sig)

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AN ACT

To amend and reenact R.S. 29:771(B)(2)(c), relative to a state of public health emergency; to provide relative to healthcare providers; to provide for exceptions; to provide for retroactive application; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:771(B)(2)(c) is hereby amended and reenacted to read as follows:

§771. Miscellaneous

* * *

B. * * *

(2) * * *

(c)(i) During a state of public health emergency, no ~~health care~~ **healthcare** provider shall be civilly liable for causing the death of, or injury to, any ~~person or~~ **patient** ~~damage to any property~~ except in the event of gross negligence or willful misconduct, **if the healthcare provider proves by a preponderance of the evidence that the public health emergency was a substantial contributing factor in causing the alleged injury, damages, or death.**

(ii) During a state of public health emergency, which is declared to combat

Proposed law will not apply to claims pending before a medical review panel in accordance with present law, and can be raised only as an affirmative defense in a lawsuit in which a healthcare provider is named as a defendant.

Proposed law provides that the provisions of proposed law will be given both prospective and retroactive application to March 11, 2020.

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

(Amends R.S. 29:771(B)(2)(c))