SLS 26RS-615 **REENGROSSED**

2026 Regular Session

SENATE BILL NO. 251

BY SENATOR PRESSLY

HOMELAND SECURITY. Provides for critical infrastructure protection. (8/1/26)

AN ACT

To enact Part B of Chapter 51 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3081 through 3089, and to designate R.S. 51:3071 through 3080 as Part A of Chapter 51 of Title 51 of the Louisiana Revised Statutes of 1950, relative to critical infrastructure protection; to provide for critical infrastructure that needs protection from foreign adversaries accessing state critical infrastructure; to provide for assessing the state's vulnerability to sanctioned communications equipment; to prohibit use of adversary cameras and laser sensor technologies in Louisiana transportation systems; to provide enforcement of protected activities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part B of Chapter 51 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:3081 through 3089, is hereby enacted to read as follows:

PART B. CRITICAL INFRASTRUCTURE PROTECTION

§3081.Title

This Part shall be known and may be cited as the "Louisiana Critical Infrastructure Protection Act of 2026".

Coding: Words which are ~~struck through~~ are deletions from existing law; words in **boldface type and underscored** are additions.

§3082. Purpose

The purpose of this Part is to protect Louisiana critical infrastructure by prohibiting foreign adversaries from accessing state critical infrastructure, assessing Louisiana's vulnerability to sanctioned communications equipment, prohibiting the use of adversary cameras and laser sensor technologies in Louisiana transportation systems.

§3083. Rule of construction

This Part shall be construed and applied in a manner consistent with federal law and shall not be interpreted or enforced to prohibit, restrict, condition, or delay any transaction, agreement, activity, technology, software, service, or access that has been authorized, approved, licensed, exempted, or otherwise permitted by the United States government.

§3084. Definitions

The following definitions shall apply unless the context indicates otherwise:

(1) "Company" shall mean a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary or majority-owned subsidiary of those entities or business associations that exist to make a profit; or a nonprofit organization.

(2) "Critical infrastructure" shall mean systems and assets, whether physical or virtual, so vital to Louisiana or the United States of America that the incapacity or destruction of such systems and assets would have a debilitating impact on state or national security, state or national economic security, state or national public health, or any combination of those matters. A critical infrastructure may be publicly or privately owned, and includes but is not limited to the following:

(a) Gas and oil production, storage, or delivery systems.

(b) Water supply, refinement, storage, or delivery systems.

Coding: Words which are ~~struck through~~ are deletions from existing law; words in **boldface type and underscored** are additions.

(c) Telecommunications networks.

(d) Electrical power delivery systems.

(e) Emergency services.

(f) Transportation systems and services.

(g) Personal data or otherwise classified information storage systems, including cybersecurity.

(3) "Cybersecurity" shall mean the measures taken to protect a computer, computer network, computer system, or other technology infrastructure against unauthorized use or access.

(4) "Domicile" shall mean either the country in which a company is registered or where the company's affairs are primarily completed.

(5) "Foreign adversary" shall mean those countries listed in 15 CFR 791.4.

(6) "Foreign principal" shall mean the following entities:

(a) The government or any official of the government of a foreign adversary.

(b) A political party or member of a political party or any subdivision of a political party of a foreign adversary.

(c) A partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign adversary, or a subsidiary of such entity, that is owned or controlled, directly or indirectly, by persons or entities of a foreign adversary through the ownership of a majority voting interest or the power to direct management or policies of the entity. Ownership shall not include passive ownership of publicly traded securities that does not confer the power to direct or influence management or operations.

(d) Any person who is domiciled in a foreign adversary and is not a citizen or lawful permanent resident of the United States.

(e) Any person, entity, or collection of persons or entities, described in

Coding: Words which are ~~struck through~~ are deletions from existing law; words in **boldface type and underscored** are additions.

Subparagraphs (a) through (d) of this Paragraph having a controlling interest in a partnership, association, corporation, organization, trust, or any other legal entity or subsidiary formed for the purpose of owning real property.

(7) "Office" means the Governor's Office of Homeland Security and Emergency Preparedness.

(8) "Operational command authority" shall mean the authority to direct, control, or make real time operational decisions affecting the physical functioning, safety, or emergency response of critical infrastructure.

(9) "Software" shall mean any program or routine, or any set of one or more programs or routines, which are used or intended for use to cause one or more computers or pieces of computer-related peripheral equipment, or any combination thereof, to perform a task or set of tasks, as it relates to state infrastructure, or any operational software.

§3085. Prohibited access to critical infrastructure

A. A company or other entity constructing, repairing, operating, or otherwise having significant access to critical infrastructure may not enter into an agreement relating to critical infrastructure in this state with a foreign principal from a foreign adversary country if the agreement would allow the foreign principal from a foreign adversary country to directly or remotely exercise operational command authority over critical infrastructure in this state.

B. A governmental entity may not enter into a contract or other agreement relating to critical infrastructure in this state with a company that is a foreign principal from a foreign adversary country if the agreement would allow the foreign principal from a foreign adversary country to directly or remotely exercise operational command authority over critical infrastructure in this state.

C. Notwithstanding the provisions in Subsections A and B of this Section, an entity or governmental entity may enter into a contract or agreement

Coding: Words which are ~~struck through~~ are deletions from existing law;
words in **boldface type and underscored** are additions.

relating to critical infrastructure with a foreign principal from a foreign adversary country or use products or services produced by a foreign principal from a foreign adversary country if all of the following apply:

(1) There is no other reasonable option for addressing the need relevant to state critical infrastructure.

(2) Not entering into the contract or agreement would pose a greater threat to the state than the threat associated with entering into the contract.

D. Nothing in this Part shall apply to any transaction, agreement, activity, technology, software, service, or access that is conducted pursuant to and in compliance with a license, authorization, approval, exemption, or determination issued by the United States government, including but not limited to licenses or approvals issued by the United States Department of Homeland Security, United States Department of the Treasury, or United States Department of Commerce.

§3086. Prohibitions on certain software in critical infrastructure

A. All software used in critical infrastructure located within or serving Louisiana shall not include any software produced by a company headquartered in and subject to the laws of a foreign adversary, or a company under the direction or control of a foreign adversary.

B. All software used in state infrastructure in operation within or serving Louisiana, to include any state infrastructure which is not permanently disabled, shall have all software prohibited under the provisions of this Section removed and replaced with software which is not prohibited under the provisions of this Section unless the software was lawfully installed prior to August 1, 2026, and remains compliant with applicable federal law.

C. Any state infrastructure provider that removes, discontinues, or replaces any prohibited software shall not be required to obtain any additional permits from any state agency or political subdivision for the removal, discontinuance, or replacement of such software as long as the state agency or

Coding: Words which are ~~struck through~~ are deletions from existing law;
words in **boldface type and underscored** are additions.

political subdivision is properly notified of the necessary replacements and the replacement software is similar to the existing software.

§3087. Telecommunications providers in compliance with federal law

Nothing in this Part shall apply to any provider of an interactive computer service, as defined in 47 U.S.C. 230, or any provider of a telecommunications service or an information service, as defined in 47 U.S.C. 153, nor to any employee, agent, or contractor acting on behalf of such provider, to the extent that the provider is in compliance with the Secure and Trusted Communications Networks Act of 2019.

§3088. Electric utilities in compliance with federal law

Nothing in this Part shall apply to any investor owned utilities subject to the North American Electric Reliability Corporation (NERC) Reliability Standards, or to any investor owned utility assets subject to the Nuclear Regulatory Commission (NRC).

§3089. Enforcement; civil proceedings

The attorney general may institute civil proceedings to enforce the provisions of this Part, including but not limited to actions against a foreign adversary company or any other vendor, provider, distributor, or relabeler or white-labeler of a foreign adversary technology for violations of the Unfair Trade Practices and Consumer Protection Law, R.S. 51:1401 et seq.

Section 2. The Louisiana State Law Institute is hereby directed to designate the provisions of R.S. 51:3071 through 3080 as Part A of Chapter 51 of Title 51 of the Louisiana Revised Statutes of 1950 to be entitled, "PART A. DATABASE SECURITY BREACH NOTIFICATION".

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

DIGEST

SB 251 Reengrossed 2026 Regular Session Pressly

Proposed law enacts the "Louisiana Critical Infrastructure Protection Act of 2026".

Coding: Words which are ~~struck through~~ are deletions from existing law; words in **boldface type and underscored** are additions.

Proposed law is construed and applied in a manner consistent with federal law and not be interpreted or enforced to prohibit, restrict, condition, or delay any transaction, agreement, activity, technology, software, service, or access that has been authorized, approved, licensed, exempted, or otherwise permitted by the United States government.

Proposed law prohibits a company or other entity constructing, repairing, operating, or otherwise having significant access to critical infrastructure from entering into an agreement relating to critical infrastructure in this state with a foreign principal from a foreign adversary country if the agreement would allow the foreign principal from a foreign adversary country to directly or remotely exercise operational authority over critical infrastructure in this state.

Proposed law prohibits a governmental entity from entering into a contract or other agreement relating to critical infrastructure in this state with a company that is a foreign principal from a foreign adversary country if the agreement would allow the foreign principal from a foreign adversary country to directly or remotely exercise operational control over critical infrastructure in this state.

Proposed law exempts certain transactions, agreements, activities, technology, software, service, or access that is conducted pursuant to and in compliance with a license, authorization, approval, exemption, or determination issued by the United States government.

Proposed law defines "critical infrastructure" to mean systems and assets, whether physical or virtual, so vital to the state or the nation that the incapacity or destruction of these systems and assets would have a debilitating impact on state or national security, state or national economic security, state or national public health, or any combination of those matters. Provides that a critical infrastructure may be publicly or privately owned, and includes but is not limited to the following:

(a) Gas and oil production, storage, or delivery systems.

(b) Water supply, refinement, storage, or delivery systems.

(c) Telecommunications network.

(d) Electrical power delivery systems.

(e) Emergency services.

(f) Transportation systems and services.

(g) Personal data or otherwise classified information storage system, including cybersecurity.

Proposed law defines "cybersecurity" to mean taken to protect a computer, computer network, computer system, or other technology infrastructure against unauthorized use or access.

Proposed law defines "operational command authority" to mean the authority to direct, control, or make real time operational decisions affecting the physical functioning, safety, or emergency response of critical infrastructure.

Proposed law exempts certain telecommunications providers from proposed law.

Proposed law exempts certain electric utilities from proposed law.

Proposed law authorizes the attorney general to institute civil proceedings to enforce the

Coding: Words which are ~~struck through~~ are deletions from existing law;
words in **boldface type and underscored** are additions.

provisions of proposed law, including but not limited to actions against a foreign adversary company or any other vendor, provider, distributor, or relabeler or white-labeler of a foreign adversary technology for violations of the Unfair Trade Practices and Consumer Protection Law.

Effective August 1, 2026.

(Adds R.S. 51:3081-3089)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Add provision regarding construction and application of proposed law.

2. Add definition of "operational command authority".

3. Add provision exempting certain transactions, agreements, activities, technology, software, service, or access that is conducted pursuant to and in compliance with a license, authorization, approval, exemption, or determination issued by the United States government.

4. Remove requirement that companies file a certification with GOHSEP in order to access critical infrastructure.

5. Remove provision regarding powers and duties of GOHSEP.

6. Remove provision regarding prohibitions on adversary network-connected devices.

7. Add provision exempting certain telecommunications providers from proposed law.

8. Add provision exempting certain electric utilities from proposed law.

9. Remove provision creating a Foreign Adversary Technology Rip and Replacement Fund.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Finance to the engrossed bill

1. Remove provisions creating the Foreign Adversary Fraud Office (FAFO) within the consumer protection division of the office of the attorney general.

2. Remove provision authorizing the FAFO to pursue other litigation strategies, investigations, and other legal activities.

3. Authorize the attorney general to institute civil proceedings to enforce the provisions of proposed law, including but not limited to actions against a foreign adversary company or any other vendor, provider, distributor, or relabeler or white-labeler of a foreign adversary technology for violations of the Unfair Trade Practices and Consumer Protection Law.

4. Make technical changes.

Coding: Words which are ~~struck through~~ are deletions from existing law; words in **boldface type and underscored** are additions.