

SENATE BILL NO. 46

BY SENATOR PEACOCK AND REPRESENTATIVES ADAMS, ARMES, BACALA, BAGLEY, BILLIOT, TERRY BROWN, CARMODY, STEVE CARTER, CHANEY, CREWS, FALCONER, HODGES, HOFFMANN, HORTON, HOWARD, JENKINS, LARVADAIN, MACK, MCMAHEN, JIM MORRIS, THOMAS AND WHITE

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

1 AN ACT

2 To enact Chapter 31 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 51:2101 through 2109, relative to cybersecurity; to authorize entities to
4 monitor, share, and receive certain information relative to cyber threats; to authorize
5 certain defensive measures; to provide relative to certain security and information
6 controls; to provide for definitions; to provide for confidentiality of certain
7 information; to provide with respect to evidence; to provide with respect to data
8 breach notification; to provide for legal protections and privileges; and to provide for
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Chapter 31 of Title 51 of the Louisiana Revised Statutes of 1950,
12 comprised of R.S. 51:2101 through 2109, is hereby enacted to read as follows:

13 **CHAPTER 31. LOUISIANA CYBERSECURITY INFORMATION**

14 **SHARING ACT**

15 **§2101. Short title**

16 **This Chapter shall be known and may be cited as the "Louisiana**
17 **Cybersecurity Information Sharing Act".**

18 **§2102. Legislative intent; federal law**

19 **The purpose of this Act is to provide a framework for permissive sharing**
20 **of cybersecurity information under Louisiana law that is consistent with and**
21 **does not conflict with the requirements of the federal Cybersecurity**
22 **Information Sharing Act of 2015, 6 U.S.C.A. §1501 et seq., except as specifically**
23 **provided by the provisions of this Chapter.**

1 **§2103. Definitions**

2 **The terms "cyber threat indicator" and "defensive measure**
3 **information" have the meaning ascribed to them by 6 U.S.C. §1501 et seq.**

4 **§2104. Sharing of cybersecurity information; public entities**

5 **When sharing a cyber threat indicator or defensive measure**
6 **information, each natural or juridical person or public or private entity shall**
7 **receive the legal protections and privileges conveyed by the federal**
8 **Cybersecurity Information Sharing Act of 2015, 6 U.S.C. §1501 et seq., and R.S.**
9 **51:2106.**

10 **§2105. Evidence standard**

11 **Sharing a cyber threat indicator or defensive measure information shall**
12 **not constitute a waiver of any applicable privilege or protection provided**
13 **pursuant to the Louisiana Code of Evidence.**

14 **§2106. Receipt of cyber threat indicators and defensive measure information;**
15 **appropriate state entities**

16 **A. In addition to those entities identified in 6 U.S.C. §1501(3), the**
17 **following entities are authorized to receive cyber threat indicators and defensive**
18 **measure information, as an appropriate state entity, through electronic mail**
19 **transmission:**

20 **(1) The Department of Justice, office of the attorney general, Louisiana**
21 **Bureau of Investigation.**

22 **(2) The Department of Public Safety and Corrections, office of state**
23 **police, Louisiana State Analytical and Fusion Exchange.**

24 **(3) The Governor's Office of Homeland Security and Emergency**
25 **Preparedness.**

26 **B. When a natural person or private or public entity is conveying a**
27 **cyber threat indicator or defensive measure information by electronic mail, the**
28 **natural person or public or private entity shall indicate such by populating**
29 **"Cyber Threat Indicator" or "Cyber Defensive Measure" in the subject line of**
30 **the electronic mail.**

1 **§2107. Compliance with Database Security Breach Notification Law**

2 **Nothing in this Chapter shall relieve a person or entity from compliance**
3 **with the Database Security Breach Notification Law, R. S. 51:3071 et seq.,**
4 **specifically including but not limited to the requirements under R.S. 51:3074.**

5 **§2108. Reporting**

6 **No state entity that receives cybersecurity information shared pursuant**
7 **to the provisions of this Chapter shall be subject to the reporting requirements**
8 **of 6 U.S.C. §1508.**

9 **§2109. Rulemaking authority**

10 **The Department of Corrections, office of state police, may, in accordance**
11 **with the Administrative Procedure Act, adopt all rules necessary to implement**
12 **the provisions of this Chapter provided that any rule promulgated does not**
13 **conflict with the provisions of 6 U.S.C. §1501 et seq.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____