

2020 Regular Session

HOUSE BILL NO. 778

BY REPRESENTATIVE VILLIO

EMERGENCY PREPAREDNESS: Provides for the limitation of liability during a declaration of a state of public health emergency

1 AN ACT

2 To amend and reenact R.S. 29:771(B)(2)(c) and (d), relative to the Louisiana Health
3 Emergency Powers Act; to provide for the limitation of liability during a state of
4 public health emergency; to provide for the liability of healthcare providers; to
5 provide for the liability of private entities; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

9 §771. Miscellaneous

10 * * *

11 B. Liability.

12 * * *

13 (2) Private liability.

14 * * *

15 (c) During a state of public health emergency declared under the provisions
16 of this Chapter, any ~~health-care~~ healthcare providers shall not be civilly liable for
17 causing the death of, or, injury to, any person or damage to any property except in
18 the event of gross negligence or willful misconduct.

19 (d) During a state of public health emergency declared under the provisions
20 of this Chapter, any private person, firm, or corporation and employees and agents

1 of such person, firm, or corporation, who renders assistance or advice at the request
 2 of the state or its political subdivisions under the provisions of this Chapter shall not
 3 be civilly liable for causing the death of, or injury to, any person or damage to any
 4 property except in the event of gross negligence or willful misconduct.

5 * * *

6 Section 2. This Act shall become effective upon signature by the governor or, if not
 7 signed by the governor, upon expiration of the time for bills to become law without signature
 8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 9 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 10 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 778 Original

2020 Regular Session

Villio

Abstract: Provides for limitation of liability to healthcare providers and private entities operating at the request of the state during a state of public health emergency declared only as provided by law.

Present law authorizes the governor to declare a state of public health emergency.

Present law provides that during a state of public health emergency, the following classes of persons shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of gross negligence or willful misconduct:

- (1) Healthcare providers.
- (2) Private persons, firms, or corporations and employees and agents of such persons, firms, or corporations, who render assistance or advice at the request of the state or its political subdivisions pursuant to the La. Health Emergency Powers Act.

Proposed law retains present law but makes it effective only during a state of public health emergency declared as provided in present law.

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

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