

2020 Regular Session

SENATE BILL NO. 491

BY SENATOR HEWITT

LIABILITY. Limits liability of persons who provide relief or recovery equipment or services during a declared state emergency. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 29:735.3.1(A) and to enact R.S. 29:735.3.2, to provide for
3 limitation of liability for rendering disaster relief or recovery equipment or services
4 during a declared state of emergency; to provide certain terms, conditions, and
5 requirements; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 29:735.3.1(A) is hereby amended and reenacted and R.S. 29:735.3.2
8 is hereby enacted to read as follows:

9 §735.3.1. Immunity for volunteers

10 A. During a declared state of emergency, any natural or juridical person, who
11 gratuitously and voluntarily renders any disaster relief or recovery services in
12 coordination with the state or its political subdivisions, **including but not limited**
13 **to the manufacturing, distribution, donation, or use of hand sanitizers,**
14 **disinfecting productions, protective clothing, helmets, gloves, face shields,**
15 **goggles, face masks, respirators, or other equipment designed in accordance**
16 **with government standards to protect the wearer from injury or the spread of**
17 **infection or illness,** shall not be liable to the recipient thereof for any injury or death

1 to a person or any damage to property resulting therefrom, except in the event of
2 gross negligence or willful misconduct.

3 * * *

4 **§735.3.2. Immunity for emergency efforts**

5 **During a declared state of emergency, any natural or juridical person,**
6 **who renders disaster relief or recovery equipment or services in coordination**
7 **with the federal government, the state, or its political subdivisions shall not be**
8 **liable to the recipient thereof for any injury or death to a person or any damage**
9 **to property resulting therefrom, except in the event of gross negligence or**
10 **willful misconduct.**

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

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

The original instrument was prepared by Jerry Guillot and the following
digest, which constitutes no part of the legislative instrument, was prepared
by Margaret M. Corley.

DIGEST

SB 491 Engrossed 2020 Regular Session Hewitt

Present law provides that during a declared state of emergency, any natural or juridical person, who gratuitously and voluntarily renders any disaster relief or recovery services in coordination with the state or its political subdivisions shall not be liable to the recipient thereof for any injury or death to a person or any damage to property resulting therefrom, except in the event of gross negligence or willful misconduct.

Proposed law provides that disaster relief and recovery services includes but is not limited to the manufacturing, distribution, donation, or use of hand sanitizers, disinfecting productions, protective clothing, helmets, gloves, face shields, goggles, face masks, respirators, or other equipment designed in accordance with government standards to protect the wearer from injury or the spread of infection or illness. Otherwise retains present law.

Proposed law provides that during a declared state of emergency, any natural or juridical person, who renders disaster relief or recovery equipment or services in coordination with the federal government, the state, or its political subdivisions shall not be liable to the recipient thereof for any injury or death to a person or any damage to property resulting therefrom, except in the event of gross negligence or willful misconduct.

Proposed law provides that due to the imminent threat posed by COVID-19 as provided in Proclamation Number 25 JBE 2020 and any subsequent proclamation, declaring the existence of a statewide public health emergency, proposed law shall be retroactive to March 11, 2020.

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

(Amends R.S. 29:735.3.1(A); adds R.S. 29:735.3.2)

Summary of Amendments Adopted by Senate

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

1. Provides for technical corrections.
2. Provides that disaster relief and recovery services includes but is not limited to the manufacturing, distribution, donation, or use of hand sanitizers, disinfecting productions, protective clothing, helmets, gloves, face shields, goggles, face masks, respirators, or other equipment designed in accordance with government standards to protect the wearer from injury or the spread of infection or illness.
3. Provides that due to the imminent threat posed by COVID-19 as provided in Proclamation Number 25 JBE 2020 and any subsequent proclamation, declaring the existence of a statewide public health emergency, proposed law shall be retroactive to March 11, 2020.