

2020 Regular Session

SENATE BILL NO. 489

BY SENATOR MCMATH

LIABILITY. Provides relative to limitation of liability of governmental entities which require its employees to work during a declared state of emergency. (gov sig)

1 AN ACT

2 To enact R.S. 29:773, to limit the liability of governmental entities which require employees

3 to work during a declared state of emergency; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 29:773 is hereby enacted to read as follows:

6 **§773. Limitation of liability; governmental entities during the COVID-19 public**

7 **health emergency; limitation of liability**

8 **A. A governmental entity which is in substantial compliance with**

9 **Proclamation Number 25 JBE 2020 and any subsequent related proclamations**

10 **and associated guidelines issued by the Center for Disease Control, shall not**

11 **have civil liability for injury or death due to COVID-19 infection transmitted**

12 **through an alleged exposure occurring on its premises or through the services**

13 **provided by the governmental entity during the COVID-19 public health**

14 **emergency as declared by Proclamation Number 25 JBE 2020, unless the injury**

15 **or death was caused by gross negligence or willful and wanton misconduct.**

16 **B. For the purpose of this Section, "governmental entity" means the**

17 **state, all agencies, boards, committees, or commissions of the executive,**

1 legislative, or judicial branches of state government, and any political
 2 subdivision which employs the public employee or employed the former public
 3 employee.

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

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

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

DIGEST

SB 489 Engrossed

2020 Regular Session

McMath

Proposed law provides that a governmental entity which is in substantial compliance with Proclamation Number 25 JBE 2020 and any subsequent related proclamations and associated guidelines issued by the Center for Disease Control, shall not have civil liability for injury or death due to COVID-19 infection transmitted through an alleged exposure occurring on its premises or through the services provided by the governmental entity during the COVID-19 public health emergency as declared by Proclamation Number 25 JBE 2020, unless the injury or death was caused by gross negligence or willful and wanton misconduct.

Proposed law defines a "governmental entity" as the state, all agencies, boards, committees, or commissions of the executive, legislative, or judicial branches of state government, and any political subdivision which employs the public employee or employed the former public employee.

Proposed law provides that due to the imminent threat posed by COVID-19 as provided in Proclamation Number 25 JBE 2020 and any subsequent related proclamations, 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.

(Adds R.S. 29:773)

Summary of Amendments Adopted by SenateCommittee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Provides that a governmental entity which is in substantial compliance with Proclamation Number 25 JBE 2020 and any subsequent related proclamations and associated guidelines issued by the Center for Disease Control, shall not have civil liability for injury or death due to COVID-19 infection transmitted through an alleged exposure occurring on its premises or through the services provided by the governmental entity during the COVID-19 public health emergency as declared by Proclamation Number 25 JBE 2020, unless the injury or death was caused by gross negligence or willful and wanton misconduct.
2. Provides that due to the imminent threat posed by COVID-19 as provided in Proclamation Number 25 JBE 2020 and any subsequent related proclamations, declaring the existence of a statewide public health emergency, proposed law shall be retroactive to March 11, 2020.