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

## DIGEST 2020 Regular Session

Abraham

<u>Present law</u> provides for the La. Homeland Security and Emergency Assistance and Disaster Act (Act).

<u>Present law</u> provides for certain powers of the state and political subdivisions during a declared state of emergency.

Proposed law retains present law.

SB 435 Engrossed

<u>Present law</u> provides for certain immunity from civil liability for actions taken under the Act by state, political subdivisions, other agencies, agents, employees or representatives of any of them.

<u>Proposed law</u> provides such immunity for action taken under the Act by the state, political subdivision, other state agencies or employees or representatives of any of them.

<u>Proposed law</u> provides that notwithstanding any other provision of <u>present law</u> to the contrary, no person or entity, including any local or state governmental entity or employee thereof, shall be liable for damages or personal injury resulting from or related to an actual or alleged exposure to COVID-19 in the course of or through such person or entity's business services or while engaged in the performance of such person or entity's duties, provided that the person or entity was relying on and generally followed applicable government standards and guidance related to COVID-19 exposure.

<u>Proposed law</u> provides that the limitation of liability shall not apply to any damages which resulted from or are related to the actual or alleged exposure to COVID-19 which is shown by clear and convincing evidence to be the result of gross negligence, willful misconduct, or intentional criminal misconduct.

<u>Proposed law</u> provides that the right of any person to receive benefits to which he would otherwise be entitled under the workers' compensation law shall not be affected.

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

(Amends R.S. 29:735(A)(1), adds R.S. 29:773)

Summary of Amendments Adopted by Senate

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

- 1. Provides that notwithstanding any other provision of <u>present law</u> to the contrary, no person or entity, including any local or state governmental entity or employee thereof, shall be liable for damages or personal injury resulting from or related to an actual or alleged exposure to COVID-19 in the course of or through such person or entity's business services or while engaged in the performance of such person or entity's duties, provided that the person or entity was relying on and generally followed applicable government standards and guidance related to COVID-19 exposure.
- 2. Provides that the limitation of liability shall not apply to any damages which resulted from or are related to the actual or alleged exposure to COVID-19 which is shown by clear and convincing evidence to be the result of gross negligence, willful misconduct, or intentional criminal misconduct.
- 3. Provides that the right of any person to receive benefits to which he would otherwise be entitled under the workers' compensation law shall not be affected.