
DIGEST

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CONFERENCE COMMITTEE REPORT DIGEST

HB 826

2020 Regular Session

Pressly

Keyword and oneliner of the instrument as it left the House

LIABILITY: Provides relative to the limitations of liability due to the COVID-19 public health emergency

Report adopts Senate amendments to:

1. Remove provisions relative to liability associated with the use of real estate, the performance of a contract with the state, assistance or advice provided to the state, and gratuitous emergency care.
2. Add a provision limiting liability associated with hosting or organizing a tradeshow, convention, meeting, event, or exhibition.

Report rejects Senate amendments to:

1. Make provisions relative to the limitation of liability for business operations and event hosts and organizers retroactive to March 11, 2020.

Report amends the bill to:

1. Make provisions relative to the limitation of liability for business operations, event hosts and organizers, and the manufacture, distribution, and use of personal protective equipment retroactive to March 11, 2020.

Digest of the bill as proposed by the Conference Committee

Proposed law provides that no person or local or state government or political subdivision thereof shall be liable for civil damages for injury or death resulting from exposure to COVID-19 in the course of or through the performance of a person's business operations unless it is proven that the person, government, or political subdivision was not in substantial compliance with applicable COVID-19 procedures, and unless such damage was caused by gross negligence or willful or wanton misconduct.

Proposed law provides that no person, local or state government or political subdivision thereof, business event strategist, association meeting planner, corporate meeting planner, independent trade show organizer or owner, or other entity shall be liable for civil damages for injury or death resulting from exposure to COVID-19 in the course of or through the performance of hosting, promoting, producing, or otherwise organizing, planning, or owning a trade show, convention, meeting, association produced event, corporate event, sporting event, or exhibition of any kind, unless such damage was caused by gross negligence or willful or wanton misconduct.

Proposed law provides that during the public health emergency declared during the outbreak of COVID-19, no designers, manufacturers, labelers, or distributors of personal protective equipment shall be liable for civil damages for injury caused by personal protective equipment unless such damages were caused by gross negligence or willful or wanton misconduct.

Proposed law further provides that during the COVID-19 public health emergency, no person who uses, dispenses, or administers personal protective equipment shall be liable for civil damages for injury related to the personal protective equipment unless the person was not in substantial compliance with applicable COVID-19 procedures and unless such damage was caused by gross negligence or wanton and reckless misconduct.

Proposed law provides that when two or more sets of COVID-19 procedures apply to a business operation or to the use, dispensing, or administering of personal protective equipment, the responsible party need only substantially comply with one applicable set of procedures.

Proposed law provides that employees not covered by Worker's Compensation shall have no remedy in tort against their employer for exposure to COVID-19 unless caused by an intentional act.

Proposed law is retroactive to March 11, 2020.

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

(Adds R.S. 9:2800.25 and R.S. 29:773)