

2020 First Extraordinary Session

HOUSE BILL NO. 59

BY REPRESENTATIVE MINCEY

LIABILITY/PUBLIC: Provides relative to limitations of liability for public school districts during declared states of emergency and public health emergencies (Item #40)

1 AN ACT

2 To enact R.S. 17:439.1, relative to limitations of liability; to provide for the limitation of
3 liability during declared states of emergency or public health emergencies; to provide
4 relative to the liability of public schools and public school districts under certain
5 circumstances; to provide for liability related to school sponsored events; to provide
6 for an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:439.1 is hereby enacted to read as follows:

9 §439.1. Immunity from claims or causes of action related to a declared state of
10 emergency or public health emergency for an infectious disease

11 A. Notwithstanding any other provision of law to the contrary, public
12 schools, public school districts, public school governing authorities, and the officers,
13 employees, and agents thereof shall not be held liable for any civil damages for
14 injury or death resulting from or related to actual or alleged exposure to an infectious
15 disease or acts undertaken in the effort to respond or adapt to a declared state of
16 emergency or public health emergency related to an infectious disease.

17 B. There shall be no cause of action related to a person contracting an
18 infectious disease at a public school, other public school facility, on a public school
19 bus, or at a public school sponsored event, which is based on the actions or failure

1 to act by school officers, employees, or agents in response to the declared state of
2 emergency or public health emergency.

3 C. This Section shall not affect the right of any person to receive benefits
4 provided under the Louisiana Workers' Compensation Law.

5 Section 2. This Act shall become effective upon signature by the governor or, if not
6 signed by the governor, upon expiration of the time for bills to become law without signature
7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
9 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 59 Original

2020 First Extraordinary Session

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Abstract: Provides relative to immunity from civil liability for public school systems during states of emergencies or public health emergencies for infectious disease.

Proposed law provides for immunity from civil liability from damages resulting from exposure to infectious disease or acts undertaken in an effort to respond to a declared state of emergency or public health emergency related to an infectious disease.

Proposed law prohibits causes of action related to contraction of an infectious disease at a public school facility, bus, or event based on the actions or failure to act of school agents.

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

(Adds R.S. 17:439.1)