

# ACT No. 323

2020 Regular Session

HOUSE BILL NO. 763

BY REPRESENTATIVES MCFARLAND AND DAVIS

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AN ACT

To enact R.S. 29:723(18) and (19) and 724(H), relative to the disruption of certain economic conditions; to provide for abnormal economic disruptions; to provide for definitions; to provide for certain declarations by the governor; to provide relative to the price of certain goods and services; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:723(18) and (19) and 724(H) are hereby enacted to read as follows:

§723. Definitions

As used in this Chapter:

\* \* \*

(18) "Abnormal economic disruption" means a disruption or anticipated disruption to usual business conditions caused by a natural or man-made disaster or emergency resulting from a terrorist attack, war, strike, civil disturbance, tornado, earthquake, fire, flood, or any other natural disaster or man-made disaster.

(19) "Costs" includes any expense or expenditure directly or indirectly related to the sale of a good or provision of a service or the operation of the person's business.

§724. Powers of the governor

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H.(1) Upon the declaration of an abnormal economic disruption by the governor by proclamation or executive order, and continuing for a maximum of

1           fifteen calendar days, a person is prohibited from charging any other person a price  
 2           for any of the following goods or services that is grossly in excess of the price  
 3           generally charged for the same or similar goods or services in the usual course of  
 4           business:

5                     (a) Consumer food items.

6                     (b) Repair or construction services.

7                     (c) Emergency supplies.

8                     (d) Medical supplies.

9                     (e) Building materials.

10                    (f) Motor vehicle fuels.

11                    (g) Transportation, freight, and storage services.

12                    (h) Housing.

13                    (2) A declaration of an abnormal economic disruption by the governor may  
 14            authorize all departments to exercise actions in direct response and specify that only  
 15            certain goods or services are covered by the prohibition provided by Paragraph (1)  
 16            of this Subsection.

17                    (3) A price increase is not grossly excessive if the increase was attributable  
 18            to any of the following:

19                    (a) Fluctuations of pricing in applicable regional, national, or international  
 20            commodity markets.

21                    (b) Pricing set forth in any preexisting agreement, including stored and in-  
 22            transit inventory.

23                    (c) Additional costs imposed on the person by the supplier of the goods or  
 24            services.

25                    (d) Additional costs for labor, services, or materials used to provide the  
 26            goods or services, including costs of replacement inventory, additional costs to  
 27            transport goods or services, and additional labor charges.

1                   (4) The provisions of R.S. 29:732 shall supersede any conflicting provisions  
2                   of this Subsection upon the declaration of a state of emergency implementing the  
3                   provisions of R.S. 29:732.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_