

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 and 3391, relative to limitations of liability; to provide for the
3 limitation of liability during declared states of emergency or public health
4 emergencies; to provide relative to the liability of public schools, public school
5 districts, and charter school governing boards under certain circumstances; to
6 provide for liability related to school sponsored events; to provide relative to the
7 liability of public postsecondary education systems and institutions; to provide for
8 an effective date; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:439.1 and 3391 are hereby enacted to read as follows:

11 §439.1. Immunity from claims or causes of action related to a declared state of
12 emergency or public health emergency for an infectious disease

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

1 B. There shall be no cause of action related to a person contracting an
2 infectious disease at a public school, other public school facility, on a public school
3 bus, or at a public school sponsored event, which is based on the actions or failure
4 to act by school officers, employees, or agents in response to the declared state of
5 emergency or public health emergency.

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

8 §3391. Immunity from claims or causes of action related to a declared state of
9 emergency or public health emergency for an infectious disease

10 A. Notwithstanding any other provision of law to the contrary, public
11 postsecondary education systems, public postsecondary education institutions, and
12 public postsecondary education management boards, and the officers, employees,
13 and agents thereof shall not be held liable for any civil damages for injury or death
14 resulting from or related to actual or alleged exposure to an infectious disease or acts
15 undertaken in the effort to respond or adapt to a declared state of emergency or
16 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 postsecondary education institution, other public
19 postsecondary education facility, or at a public postsecondary education institution
20 sponsored event, which is based on the actions or failure to act by the institution's
21 officers, employees, or agents in response to the declared state of emergency or
22 public health emergency.

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

25 Section 2. This Act shall become effective upon signature by the governor or, if not
26 signed by the governor, upon expiration of the time for bills to become law without signature
27 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
28 vetoed by the governor and subsequently approved by the legislature, this Act shall become
29 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 Engrossed

2020 First Extraordinary Session

Mincey

Abstract: Provides relative to immunity from civil liability for public school, charter school, and public postsecondary education institutions 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 the contraction of an infectious disease at a public and charter school facility, bus, or event and at a public postsecondary education facility 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 and 3391)

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Add charter schools to the list of protected public school entities.
2. Extend the proposed law immunity from civil liability to public postsecondary education institutions.