

2020 Second Extraordinary Session

HOUSE BILL NO. 64

BY REPRESENTATIVE IVEY

GOVERNMENTAL REGULATIONS: Provides for a program of public health and safety options for local governments to implement during a public health emergency (Item #28)

1 AN ACT

2 To enact R.S. 29:770.1, relative to the provision of information during a public health
3 emergency; to mandate that the state fire marshal provide a mechanism for the
4 operators of public buildings to post mitigation measures to the public; to describe
5 the parameters and requirements of the mechanism; to exempt participants from
6 liability; to provide for guidance from government; to provide for rule making; and
7 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 29:770.1 is hereby enacted to read as follows:

10 §770.1. Informed patronage

11 A. The state fire marshal shall make available a printable menu-styled form,
12 that operators of public buildings shall post during a public health emergency, to
13 inform the public of the mitigation measures being taken inside of the establishment.
14 The form shall be available on the website maintained by the office of state fire
15 marshal.

16 B. The state fire marshal shall ensure the form allows for the following
17 information to be conspicuously displayed:

18 (1) A menu of options, each represented by an easily identifiable image, of
19 the recommended mitigation measures that may be implemented by an operator in

1 response to the public health emergency. The options are to include, but not be
2 limited to the following:

3 (a) Employees are required to wear masks.

4 (b) Citizens are required to wear masks.

5 (c) Employees are periodically required to wash hands.

6 (d) Hand sanitizer is available.

7 (e) Social distancing is observed.

8 (f) Reduced occupancy limits are observed.

9 (g) No mitigation measures are being implemented.

10 (2) A reasonable and easily identifiable symbol for an operator to indicate
11 which of the available menu options the building is implementing.

12 (3) The specific time and date when the public building will implement the
13 indicated mitigation measures.

14 C. The state fire marshal shall provide rules relative to the size and
15 placement of the form, and the owner or operator shall post the form accordingly.

16 D. An operator who chooses to post the menu-styled form:

17 (1) Shall consult with the governing authority as to which safety procedures
18 to adopt and proceed accordingly.

19 (2) Shall consult with the governing authority before making changes to the
20 posted form.

21 (3) Shall consult with the governing authority before removing the posted
22 form.

23 (4) Shall not incur any liability as a result of posting the form.

24 E. During a public health emergency, an owner and operator shall have the
25 authority to choose which recommended mitigation measures will be implemented
26 inside of their establishment. Notwithstanding any emergency order to the contrary,
27 an owner or operator is only required to implement the mitigation measures they
28 have chosen, from the recommended options, and have indicated on the posted form.

1 F. The state fire marshal shall adopt such rules as are necessary to implement
 2 the provisions of this Section.

3 Section 2. This Act shall become effective upon signature by the governor or, if not
 4 signed by the governor, upon expiration of the time for bills to become law without signature
 5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 7 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 64 Reengrossed

2020 Second Extraordinary Session

Ivey

Abstract: Requires the state fire marshal to provide a form that operators or public buildings shall use to describe the safety precautions they are employing during a public health emergency.

Proposed law requires the state fire marshal to provide a menu-styled form, which a public building operator shall print and post, in order to communicate to the public the mitigation measures being utilized during a declared public health emergency. Requires the form to be available on the state fire marshal's website.

Proposed law describes the information the form is to contain.

Proposed law instructs the operator to consult with governing authorities in regards to which safety measures to employ.

Proposed law allows the operator to modify or remove the posted form after consulting with governing authorities.

Proposed law shields an owner or operator from incurring liability as a result of the posted form.

Proposed law provides that only an operator has the authority to choose which precautions will be implemented, and that those choices, once posted take precedent over an emergency order.

Proposed law instructs the state fire marshal to promulgate rules necessary to implement proposed law.

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

(Adds R.S. 29:770.1)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Remove references to public utilities.
2. Remove the specification that governmental bodies be "local".
3. Require operators of state buildings to utilize the form.
4. Add to the list of recommended measures that may be implemented.
5. Require the state fire marshal to provide rules relative to the sizing and hanging of the posted form.
6. Provide that the posted form, with mitigated measures indicated, is to serve as the standard for that building, and is to take precedent over an emergency order in conflict with it.
7. Make proposed law effective upon the governor's signature.
8. Make technical changes.