

2020 Second Extraordinary Session

HOUSE BILL NO. 63

BY REPRESENTATIVE IVEY

COMMERCIAL REGULATIONS: Provides for a program of public health and safety options for businesses 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 business  
4 owners and operators to post mitigation measures to the public; to describe the  
5 parameters and requirements of the mechanism; to exempt participants from liability;  
6 to provide for emergency orders; to provide for rulemaking; and to provide for  
7 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, in consultation with the Louisiana  
12 Department of Health, make available a printable menu-styled form, that business  
13 owners and operators shall post during a public health emergency, to inform the  
14 public of the mitigation measures being taken inside of the establishment. The form  
15 shall be available on the website maintained by the office of state fire 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 a business 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) Customers 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 a business to indicate  
11 which of the available menu options the business is implementing.

12 (3) The specific time and date when the business will adopt the indicated  
13 safety procedures.

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 owner or operator:

17 (1) May change the selected options at any time and shall modify the form  
18 accordingly.

19 (2) May choose to remove the posting at any time.

20 (3) Shall not incur any civil liability as a result of posting the form, except  
21 as provided in Subsection F of this Section.

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

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

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

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#### 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)]

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HB 63 Reengrossed

2020 Second Extraordinary Session

Ivey

**Abstract:** Requires the state fire marshal to provide a form that businesses shall use to describe the mitigation measures they are implementing during a public health emergency.

Proposed law requires the state fire marshal, in consultation with the Louisiana Department of Health, to provide a menu-styled form, which a business owner or operator shall print and post, in order to communicate to the public the mitigation measures being implemented during a declared public health emergency. Requires the form to be available on the state fire marshal website.

Proposed law describes the information the form is to contain.

Proposed law allows the operator to modify or remove the posted form at any time.

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

Proposed law requires the fire marshal to make rules specific to the size and placement of the sign and for owners or operators to follow those rules.

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 Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Require owners or operators of businesses to utilize the form.
2. Add to the list of recommended measures that may be implemented.
3. Require the state fire marshal to provide rules relative to the sizing and hanging of the posted form.
4. Provide that the posted form, with mitigated measures indicated, is to serve as the standard for that (business), and is to take precedent over an emergency order in conflict with it.
5. Make proposed law effective upon the governor's signature.
6. Make technical changes.