
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 1022 Original

2022 Regular Session

Amedee

Abstract: Provides for a civil remedy for harm caused to a person by the mandating, recommending, or administering of liability-free products.

Proposed law provides that it is the intent of the legislature to provide for a civil remedy for harm caused by the mandating, recommending, or administering of a product that is immune from civil liability and for which the person has no remedy against the manufacturer of the product. Proposed law provides that the inability to hold a manufacturer of a product liable for the damages caused by the product renders the manufacturer and product essentially liability-free.

Proposed law provides that it is the intent of the legislature to require the entity mandating, recommending, or administering a liability-free product to bear responsibility to a citizen for harm that results from the administration of the liability-free product.

Proposed law defines "educational institution", "employer", "employment", "employment opportunity", "government agency", "guardian", "harassment", "liability-free product", "loss of employment", "person", "private education", "promotion", and "public education".

Proposed law provides that notwithstanding any other provision of law to the contrary, employers, government agencies, or educational institutions are prohibited from mandating liability-free products under threat of the following: a person's loss of employment, employment opportunity, or promotion or a person's loss of the ability to receive a public or private education.

Proposed law provides that proposed law shall not apply to a Medicare or Medicaid certified provider but only to the extent such provider is subject to a valid and enforceable condition of participation that imposes a requirement contrary to proposed law. Proposed law further provides that proposed law shall not apply to a healthcare provider enrolled in Medicare or Medicaid that is subject to fines or penalties for nonadherence to federal rules and regulations.

Present law (R.S. 17:170) provides for immunizations for persons entering any school and exemptions.

Proposed law provides that compliance with present law (R.S. 17:170) shall not constitute a violation of proposed law.

Proposed law provides that a person shall have the right to decline a liability-free product that an

employer, government agency, or educational institution recommends without incurring harassment, loss of employment, loss of an employment opportunity, loss of promotion, or loss of the ability to receive a private or public education.

Proposed law provides that an employer, government agency, or educational institution that recommends a liability-free product shall disclose in writing to the proposed user that the manufacturer or individuals recommending and administering the liability-free product are immune from civil liability.

Proposed law provides that a person harmed or injured as a result of a violation of proposed law may bring a cause of action.

Proposed law provides for reasonable attorney fees and litigation costs.

Proposed law provides that any provision of a contract or agreement that purports to waive or limit a person's rights under proposed law shall be void and unenforceable.

Proposed law provides that nothing shall prevent a person or guardian of a person from declining a liability-free product that is recommended by an employer, government agency, or educational institution.

Proposed law provides that the provisions of proposed law shall have no effect on present law (R.S. 9:2800.60).

Present law (R.S. 9:2800.60) provides for liability of manufacturers and sellers of firearms.

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

(Adds R.S. 9:2800.81-2800.85)