

2025 Regular Session

HOUSE BILL NO. 102

BY REPRESENTATIVE SCHLEGEL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LIABILITY/TORTS: Expands La. Products Liability Act to include digital products

1 AN ACT

2 To amend and reenact R.S. 9:2800.53(3) and to enact R.S. 9:2800.53(10), relative to the
3 Louisiana Products Liability Act; to expand the application of the Louisiana Products
4 Liability Act to "digital products"; to provide definitions; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:2800.53(3) is hereby amended and reenacted and R.S.
8 9:2800.53(10) is hereby enacted to read as follows:

9 §2800.53. Definitions

10 The following terms have the following meanings for the purpose of this
11 Chapter:

12 * * *

13 (3) "Product" means a corporeal movable or digital product that is
14 manufactured for placement into trade or commerce, including a product that forms
15 a component part of or that is subsequently incorporated into another product or an
16 immovable. "Product" does not mean human blood, blood components, human
17 organs, human tissue or approved animal tissue to the extent such are governed by
18 R.S. 9:2797.

19 * * *

1 (10) "Digital product" means digital applications and games that can be used
2 by a computer, mobile device, game console or tablet transferred electronically,
3 whether digitally delivered, streamed, or accessed online. This definition shall not
4 be construed to impose liability upon a manufacturer solely for the hosting of
5 third-party content which may be exempted under 47 U.S.C. § 230.

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 102 Original

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Schlegel

Abstract: Adds "digital products" to the La. Products Liability Act.

Present law (R.S. 9:2800.53(3)) defines "product" as a corporeal movable that is manufactured for placement into trade or commerce, including a product that forms a component part of or that is subsequently incorporated into another product or an immovable. The definition does not include human blood, blood components, human organs, human tissue, or approved animal tissue to the extent governed by present law.

Proposed law retains present law but expands the application of the La. Products Liability Act to include "digital products".

Proposed law defines a "digital product" as any digital application or game that is accessed via computer, mobile device, gaming console, or tablet through electronic means. The definition does not impose liability upon a manufacturer solely for the hosting of third-party content which may be exempted under 47 U.S.C. §230.

(Amends R.S. 9:2800.53(3); Adds R.S. 9:2800.53(10))