

2025 Regular Session

HOUSE BILL NO. 450

BY REPRESENTATIVES MELERINE, BAMBURG, BERAULT, CARLSON, CARVER,
CHENEVERT, COATES, DOMANGUE, EGAN, GALLE, GLORIOSO, HEBERT,
AND WYBLE

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

EVIDENCE: Provides relative to evidentiary presumptions in personal injury claims

1 AN ACT

2 To enact Code of Evidence Article 306.1, relative to the presumption of causation of
3 injuries; to prohibit a presumption of causation in certain circumstances; to provide
4 for exceptions; to provide for prospective application; to provide for an effective
5 date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Evidence Article 306.1 is hereby enacted to read as follows:

8 Art. 306.1. Presumption of causation of injuries

9 A. A person making a claim for damages shall not be aided in proving that
10 the act of another caused said damages by establishing any of the following:

11 (1) The person was in good health prior to the act giving rise to the claim.

12 (2) The illness, injury, or condition subject to the claim for damages both
13 arose and remained following the act.

14 (3) There is a reasonable possibility of a causal connection between the act
15 and said illness, injury, or condition subject to the claim for damages.

16 B. A person making a claim for damages shall be required to prove every
17 element of the claim, including but not limited to causation.

18 C. The provisions of this Article shall not apply to claims brought pursuant
19 to the Louisiana Workers' Compensation Law (R.S. 23:1020.1 et seq).

1 Section 2. It is the intent of the legislature to overrule *Housley v. Cerise*, 579 So. 2d
2 973 (La. 1991).

3 Section 3. The provisions of this Act shall have prospective application only and
4 shall not apply to causes of action arising prior to the effective date of this Act.

5 Section 4. This Act shall become effective upon signature by the governor or, if not
6 signed by the governor, upon expiration of the time for bills to become law without signature
7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
9 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 450 Original

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Melerine

Abstract: Eliminates a presumption of causation of injuries in certain circumstances.

Proposed law provides that a person making a claim for damages shall not be aided in proving damages by establishing any of the following:

- (1) The person was in good health prior to the act giving rise to the claim.
- (2) The illness, injury, or condition subject to the claim for damages both arose and remained following the act.
- (3) There is a reasonable possibility of a causal connection between the act and said illness, injury, or condition subject to the claim for damages.

Proposed law provides that a person making a claim for damages shall be required to prove every element of the claim.

Proposed law does not apply to the La. Workers' Compensation Law.

Proposed law is intended to legislatively overrule *Housley v. Cerise*, 579 So. 2d 973 (La. 1991).

Proposed law shall have prospective application only.

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

(Adds C.E. Art. 306.1)