

2025 Regular Session

HOUSE BILL NO. 450

BY REPRESENTATIVES MELERINE, AMEDEE, BACALA, BAGLEY, BAMBURG, BEAULLIEU, BERAULT, BILLINGS, BOURRIAQUE, BOYER, BUTLER, CARLSON, CARVER, CHENEVERT, COATES, COX, CREWS, DAVIS, DESHOTEL, DEVILLIER, DICKERSON, DOMANGUE, ECHOLS, EDMONSTON, EGAN, EMERSON, FIRMENT, GALLE, GLORIOSO, HEBERT, HENRY, HORTON, MIKE JOHNSON, MACK, MCFARLAND, MCMAHEN, MCMAKIN, ORGERON, OWEN, ROMERO, SCHAMERHORN, SCHLEGEL, TARVER, TURNER, VILLIO, WILDER, WYBLE, AND ZERINGUE

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 Notwithstanding any other provision of law, in a claim for personal injury
10 damages that is not raised pursuant to the Louisiana Workers' Compensation Law,
11 the lack of a prior history of an illness, injury, or condition shall not create a
12 presumption that an illness, injury, or condition was caused by the act that is the
13 subject of the claim.

14 Section 2. It is the intent of the legislature to overrule *Housley v. Cerise*, 579 So. 2d
15 973 (La. 1991).

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

1 Section 4. 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.

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 Reengrossed

2025 Regular Session

Melerine

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

Proposed law provides that the lack of a prior history of an illness, injury, or condition was caused by the act that is the subject 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)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Provide that the lack of a prior history of an illness, injury, or condition shall not create a presumption that an illness, injury, or condition was caused by the act that is the subject of the claim.