

2025 Regular Session

SENATE RESOLUTION NO. 163

BY SENATORS LUNEAU, CARTER AND MILLER

LIABILITY. Requests the Louisiana State Law Institute to study and make recommendations to the legislature on including digital products in the application of the Louisiana Products Liability Act.

1 A RESOLUTION

2 To urge and request the Louisiana State Law Institute to study and make recommendations
3 to the legislature whether to include digital products, and which digital products to
4 include in the application of the Louisiana Products Liability Act.

5 WHEREAS, the Louisiana Products Liability Act establishes the exclusive theories
6 of liability for manufacturers for damage caused by their products when those products are
7 unreasonably dangerous and cause injury from a reasonably anticipated use of the product;
8 and

9 WHEREAS, Act No. 10 of the 2024 Third Extraordinary Session of the Legislature
10 recognizes, defines, and taxes "digital products"; and

11 WHEREAS, under the Louisiana Products Liability Act, business entities in
12 Louisiana have a duty to consumers to design or manufacture products that are not
13 unreasonably dangerous; and

14 WHEREAS, business entities designing, manufacturing and selling digital products
15 in Louisiana should be held to the same safety standards as the designers and manufacturers
16 of other products; and

17 WHEREAS, in light of the interpretation of 47 U.S. Code §230 (Section 230) in
18 various judicial opinions, including in cases such as *Doe v. MySpace, Inc.*, 528 F. 3d 413,

1 421 (5th Cir. 2008) and *Doe v. Snap, Inc.*, No. 22-20543 (5th Cir. 2023) in the United States
2 Court of Appeals for the Fifth Circuit, the legislature has an interest in clarifying the duty
3 of digital product designers and manufacturers to keep Louisiana citizens safe; and

4 WHEREAS, digital products are the products of our time and should be treated like
5 any other product for the protection of citizens and businesses in Louisiana.

6 THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana
7 does hereby urge and request the Louisiana State Law Institute to study and make
8 recommendations to the legislature on expanding the application of the Louisiana Products
9 Liability Act to digital products.

10 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
11 director of the Louisiana State Law Institute and that the Louisiana State Law Institute report
12 its findings and recommendations to the legislature on or before February 1, 2026.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

SR 163 Original

DIGEST
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Luneau

Requests the Louisiana State Law Institute to study and make recommendations to the legislature whether to include digital products, and which digital products to include, in the application of the Louisiana Products Liability Act.