

2025 Regular Session

HOUSE RESOLUTION NO. 280

BY REPRESENTATIVE SCHLEGEL

LIABILITY/TORTS: Requests the La. State Law Institute to study and make recommendations to the House of Representatives on including digital products in the application of the La. Products Liability Act

1 A RESOLUTION

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

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

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

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

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

18 WHEREAS, in light of the interpretation of 47 U.S.C. 230 in various judicial
19 opinions, including in cases such as *Doe v. MySpace, Inc.*, 528 F.3d 413, 421 (5th Cir. 2008)
20 and *Doe v. Snap Inc.*, No. 22-20543 (5th Cir. 2023) in the United States Court of Appeals for

1 the Fifth Circuit, the legislature has an interest in clarifying the duty of digital products
2 designers and manufacturers to keep Louisiana citizens safe; and

3 WHEREAS, House Bill No. 102 of the 2025 Regular Session of Louisiana attempted
4 to expand the application of the Louisiana Products Liability Act to digital products to hold
5 these digital products designers and manufacturers accountable; and

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

8 THEREFORE, BE IT RESOLVED that the House of Representatives of the
9 Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to
10 study and make recommendations to the House of Representatives of the Legislature of
11 Louisiana on expanding the application of the Louisiana Products Liability Act to digital
12 products.

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

16 BE IT FURTHER RESOLVED that one print copy and one electronic copy of any
17 report produced pursuant to this Resolution shall be submitted to the David R. Poynter
18 Legislative Research Library as required by R.S. 24:772.

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)]

HR 280 Original

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