

2026 Regular Session

HOUSE BILL NO. 804

BY REPRESENTATIVE GEYMANN

ENERGY: Creates the Louisiana Energy Protection Act

1 AN ACT

2 To enact Chapter 18 of Subtitle I of Title 30 of the Louisiana Revised Statutes of 1950, to
3 be comprised of R.S. 30:1601 through 1605, relative to claims for damages caused
4 by climate change; to create the Louisiana Energy Protection Act; to provide for
5 claims brought for climate change damages based on greenhouse gas emissions; to
6 limit liability for climate change damages based on greenhouse gas emissions; to
7 protect energy users, producers, and related industries from claims for climate
8 change damages based on greenhouse gas emissions; to provide for severability; and
9 to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Chapter 18 of Subtitle I of Title 30 of the Louisiana Revised Statutes of
12 1950, comprised of R.S. 30:1601 through 1605, is hereby enacted to read as follows:

13 CHAPTER 18. LOUISIANA ENERGY PROTECTION ACT

14 §1601. Title

15 This Chapter shall be known as the "Louisiana Energy Protection Act".

16 §1602. Public policy

17 A. The legislature hereby declares that it is the public policy of the state of
18 Louisiana to promote and support the production and consumption of energy to meet
19 the energy needs of this state, the nation, and the world. Further, it is the public
20 policy of the state of Louisiana to protect energy users, producers, and related
21 industries from claims that greenhouse gas emissions caused or contributed to
22 climate change that directly or indirectly resulted in damages to others including but
23 not limited to personal injury, death, property damages, or economic loss.

1 B. The legislature recognizes that any covered civil liability action for
2 climate change damages from greenhouse gas emissions is preempted by federal law,
3 including the Clean Air Act, 42 U.S.C. 7401, et seq., and intends, notwithstanding
4 any other provision of law to the contrary, for this Chapter to limit all rights of
5 action, causes of actions, or claims constituting a covered civil liability action for
6 climate change damages from greenhouse gas emissions under Louisiana state law
7 or in Louisiana state courts as provided in this Chapter.

8 §1603. Definitions

9 For the purposes of this Chapter, the following terms shall have the following
10 meanings ascribed to them in this Section unless context or use clearly indicates
11 otherwise:

12 (1) "Climate change" means any actual or alleged change in global or
13 regional climate conditions, weather patterns, temperature, sea levels, storm
14 frequency or severity, or atmospheric composition, whether characterized as caused
15 by human activity, natural forces, or both. For purposes of this Chapter, climate
16 change shall include a change of climate which is attributed directly or indirectly to
17 activity that alters the composition of the atmosphere, including the emission of
18 greenhouse gases.

19 (2) "Covered civil liability action for climate change damages from
20 greenhouse gas emissions" means any claim or action for damages, penalties, or any
21 other form of relief whether legal or equitable or otherwise, or any cause of action
22 for fraud, misrepresentation, deception, or failure to warn, whether brought under
23 statute or under the Louisiana Civil Code or any other source of Louisiana law, that
24 purports to arise out of or relate to, or seek relief of any kind arising out of or relating
25 to, climate change or the alleged effects of climate change from greenhouse gas
26 emissions or any debate, public controversy, or discussion arising out of or relating
27 to climate change, its causes, or the alleged effects of climate change from
28 greenhouse gas emissions.

1 (3) "Greenhouse gases" means those gaseous constituents of the atmosphere,
2 both natural and anthropogenic, that absorb and emit infrared radiation including but
3 not limited to carbon dioxide, methane, nitrous oxide, water vapor, ozone, or
4 fluorinated gases, such as chlorofluorocarbons, perfluorocarbons, sulfur
5 hexafluoride, and nitrogen trifluoride.

6 (4) "Person" means any individual or legal entity, public or private, including
7 nonprofit, nongovernmental, and governmental entities.

8 §1604. Actions; prohibited

9 A. No covered civil liability action for climate change damages from
10 greenhouse gas emissions, as defined in R.S. 30:1603, shall be brought, filed, or
11 maintained by any person against any person in any court or proceeding in this state,
12 including any claim, cause of action, or judicial or administrative proceeding. This
13 prohibition shall not apply to claims, actions, or judicial or administrative
14 proceedings brought for unlawful acts arising out of either of the following:

15 (1) A violation of an enforceable Louisiana or federal statutory limitation or
16 restriction against emissions of greenhouse gas, or a violation of the express terms
17 of a valid, enforceable operating, air, or other permit issued by a Louisiana or federal
18 regulatory agency that has jurisdiction over greenhouse gas emissions.

19 (2) A violation of an enforceable standard expressly established under the
20 federal Occupational Safety and Health Act, 29 U.S.C. 651 et seq., where such
21 violation directly and proximately causes the specific injury alleged.

22 B. The provisions of this Chapter shall apply to all covered civil liability
23 actions for climate change damages from greenhouse gas emissions filed on or after
24 the effective date of this Chapter, regardless of when the conduct giving rise to such
25 action occurred.

26 §1605. Construction

27 No provision of this Chapter shall be construed to create a public or private
28 claim, cause of action, or remedy.

1 Section 2. If any provision of this Act or the application thereof is held invalid, such
 2 invalidity shall not affect other provisions or applications of this Act which can be given
 3 effect without the invalid provisions or applications, and to this end the provisions of this
 4 Act are hereby declared severable.

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 804 Engrossed

2026 Regular Session

Geymann

Abstract: Creates the "La. Energy Protection Act" to provide for covered civil liability actions for climate change damages from greenhouse gas emissions, prohibit actions from being filed in the state, and establishes exceptions.

Proposed law declares the public policy of La. to promote and support the production and consumption of energy to meet the needs of the state, the nation, and the world and to protect energy users, producers, and related industries from claims for injury or harm to people or property caused by greenhouse gas emissions attributed to climate change.

Proposed law recognizes that any covered civil liability action for climate change damages from greenhouse gas emissions is preempted by federal law and intends for proposed law to limit all rights of action, causes of action, or claims constituting a covered civil liability action for climate change damages from greenhouse gas emissions under La. law and in La. courts.

Proposed law provides definitions for "climate change", "covered civil liability action for climate change damages from greenhouse gas emissions", "greenhouse gases", and "person".

Proposed law prohibits any covered civil liability action for climate change damages from greenhouse gas emissions from being brought, filed, or maintained by any person against any person in any court or proceeding in this state, with the exception of claims, actions, or proceedings brought for unlawful acts arising out of either of the following:

- (1) A violation of an enforceable La. or federal statutory limitation or restriction against emissions of greenhouse gas, or a violation of the express terms of a valid, enforceable permit issued by a La. or federal regulatory agency that has jurisdiction over greenhouse gas emissions.
- (2) A violation of an enforceable standard expressly established under the federal Occupational Safety and Health Act, 29 U.S.C. 651 et seq., where such violation directly and proximately causes the specific injury alleged.

Proposed law provides for applicability to all covered civil liability actions for climate change damages from greenhouse gas emissions filed on or after the effective date of proposed law, regardless of when the conduct giving rise to the action occurred.

Proposed law provides that proposed law cannot be construed to create a public or private claim, cause of action, or remedy.

Proposed law provides for severability.

(Adds R.S. 30:1601-1605)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Clarify the public policy to include the promotion and support of consumption of energy in addition to production and to include the protection of energy users in addition to energy producers and related industries from claims related to climate change damages from greenhouse gas emissions.
2. Specify that claims that emissions caused by or contributed to climate change alleged to result in damages means greenhouse gas emissions rather than emissions including greenhouse gases.
3. Remove the definitions for "claim for damages based on La. emissions", "claim for damages based on non-La. emissions", and "damages", and add the definition for "covered liability claim for climate change damages based on greenhouse gas emissions".
4. Remove provisions specifying that no cause of action or right of action exists under La. law for any claim for damages based on non-La. emissions.
5. Clarify limitations that covered civil liability actions based on climate change emissions can only be brought for unlawful acts arising out of violations of federal or state limitations or restrictions against emissions of greenhouse gas or violations of the express terms of federal or state permits and add violations of an enforceable standard established under the federal Occupational Safety and Health Act, 29 U.S.C. 651 et seq., where the violation directly and proximately causes the specific injury alleged.
6. Remove the provision for the clear and convincing evidentiary burden.
7. Remove the requirement for identification of each emission of greenhouse gases and statutory limitation or restriction or permit violation to be contained in the petition and the exception to deem the petition vague and ambiguous if the requirement is not met.
8. Remove the requirement for joinder of all parties and the exception for nonjoinder.
9. Remove the requirements for proving that the emissions caused by the defendant caused more than fifty percent of the damages and that the person bringing the action did not contribute to the damages. evidence, and damages for a claim.
10. Remove requirements for the state or political subdivisions of the state to obtain prior approval to bring a claim.
11. Eliminate the distinction between La. emissions and non-La. emissions.
12. Remove the prohibition for damages for economic loss without physical injury to the person bringing the claim or his property.
13. Add provision for applicability of proposed law to all covered civil liability actions for climate change damages from greenhouse gas emissions filed on or after the effective date of proposed law regardless of when the conduct giving rise to the action occurred.

14. Add a prohibition against proposed law creating a public or private claim, cause of action, or remedy.
15. Add a severability provision that allows portions of proposed law to remain effective if the others are determined to be invalid.
16. Make technical changes.