

SENATE BILL NO. 251

BY SENATORS PRESSLY, ALLAIN, BARROW, BASS, BOUDREAUX, JACKSON-ANDREWS, SELDERS AND WHEAT

1 AN ACT

2 To enact Part B of Chapter 51 of Title 51 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 51:3081 through 3089, and to designate R.S. 51:3071 through
4 3080 as Part A of Chapter 51 of Title 51 of the Louisiana Revised Statutes of 1950,
5 relative to critical infrastructure protection; to provide for critical infrastructure that
6 needs protection from foreign adversaries accessing state critical infrastructure; to
7 provide for assessing the state's vulnerability to sanctioned communications
8 equipment; to prohibit use of adversary cameras and laser sensor technologies in
9 Louisiana transportation systems; to provide enforcement of protected activities; and
10 to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Part B of Chapter 51 of Title 51 of the Louisiana Revised Statutes of 1950,
13 comprised of R.S. 51:3081 through 3089, is hereby enacted to read as follows:

14 **PART B. CRITICAL INFRASTRUCTURE PROTECTION**

15 **§3081. Title**

16 **This Part shall be known and may be cited as the "Louisiana Critical**
17 **Infrastructure Protection Act of 2026".**

18 **§3082. Purpose**

19 **The purpose of this Part is to protect this state's critical infrastructure**
20 **by prohibiting foreign adversaries from accessing state critical infrastructure,**
21 **by assessing this state's vulnerability to sanctioned communications equipment,**

1 and by prohibiting the use of adversary cameras and laser sensor technologies
2 in this state's transportation systems.

3 §3083. Rule of construction

4 This Part shall be construed and applied in a manner consistent with
5 federal law and shall not be interpreted or enforced to prohibit, restrict,
6 condition, or delay any transaction, agreement, activity, technology, software,
7 service, or access that has been specifically authorized, approved, licensed,
8 exempted, or otherwise permitted by the United States government.

9 §3084. Definitions

10 The following definitions apply in this Part unless the context indicates
11 otherwise:

12 (1) "Company" means a for-profit sole proprietorship, organization,
13 association, corporation, partnership, joint venture, limited partnership, limited
14 liability partnership, or limited liability company, including a wholly owned
15 subsidiary or majority-owned subsidiary of those entities or business
16 associations that exist to make a profit; or a nonprofit organization.

17 (2) "Critical infrastructure" means systems and assets, whether physical
18 or virtual, so vital to this state or the United States of America that the
19 incapacity or destruction of those systems and assets would have a debilitating
20 impact on state or national security, state or national economic security, state
21 or national public health, or any combination of those matters. A critical
22 infrastructure may be publicly or privately owned, and includes but is not
23 limited to any of the following:

24 (a) Gas and oil production, storage, or delivery systems.

25 (b) Water supply, refinement, storage, or delivery systems.

26 (c) Telecommunications networks.

27 (d) Electrical power delivery systems.

28 (e) Emergency services.

29 (f) Transportation systems and services.

30 (g) Personal data or otherwise classified information storage systems,

1 including cybersecurity.

2 (3) "Cybersecurity" means the measures taken to protect a computer,
3 computer network, computer system, or other technology infrastructure against
4 unauthorized use or access.

5 (4) "Domicile" means either the country in which a company is
6 registered or where the company's affairs are primarily completed.

7 (5) "Foreign adversary" means those countries listed in 15 CFR 791.4.

8 (6) "Foreign principal" means any of the following entities:

9 (a) The government or any official of the government of a foreign
10 adversary.

11 (b) A political party or member of a political party or any subdivision of
12 a political party of a foreign adversary.

13 (c) A partnership, association, corporation, organization, or other
14 combination of persons organized under the laws of or having its principal place
15 of business in a foreign adversary, or a subsidiary of such entity, that is owned
16 or controlled, directly or indirectly, by persons or entities of a foreign adversary
17 through the ownership of a majority voting interest or the power to direct
18 management or policies of the entity. Ownership shall not include passive
19 ownership of publicly traded securities that does not confer the power to direct
20 or influence management or operations.

21 (d) Any person who is not an entity described in Subparagraph (c) of this
22 Paragraph, who is domiciled in a foreign adversary, and is not a citizen or
23 lawful permanent resident of the United States or otherwise permitted by law
24 to perform work on critical infrastructure in the United States.

25 (e) Any person, entity, or collection of persons or entities, described in
26 Subparagraphs (a) through (d) of this Paragraph having a controlling interest
27 in a partnership, association, corporation, organization, trust, or any other legal
28 entity or subsidiary formed for the purpose of owning real property.

29 (7) "Office" means the Governor's Office of Homeland Security and
30 Emergency Preparedness.

1 (8) "Operational command authority" means the authority to direct,
2 control, or make real-time operational decisions affecting the physical
3 functioning, safety, or emergency response of critical infrastructure.

4 (9) "Significant access" means access that enables the holder to alter
5 physical operations, safety systems, or emergency response functions of critical
6 infrastructure.

7 (10) "Software" means any program or routine, or any set of one or
8 more programs or routines, which are used or intended for use to cause one or
9 more computers or pieces of computer-related peripheral equipment, or any
10 combination thereof, to perform a task or set of tasks, as it relates to state
11 infrastructure, or any operational software.

12 §3085. Prohibited access to critical infrastructure

13 A. A company or other entity constructing, repairing, operating, or
14 otherwise having significant access to critical infrastructure may not knowingly
15 enter into an agreement relating to critical infrastructure in this state with a
16 foreign principal from a foreign adversary if the agreement would allow the
17 foreign principal from a foreign adversary to directly or remotely exercise
18 operational command authority over critical infrastructure in this state.

19 B. A governmental entity may not knowingly enter into a contract or
20 other agreement relating to critical infrastructure in this state with a company
21 that is a foreign principal from a foreign adversary if the agreement would
22 allow the foreign principal from a foreign adversary to directly or remotely
23 exercise operational command authority over critical infrastructure in this
24 state.

25 C. Notwithstanding the provisions in Subsections A and B of this Section,
26 an entity or governmental entity may enter into a contract or agreement
27 relating to critical infrastructure with a foreign principal from a foreign
28 adversary country if all of the following apply:

29 (1) There is no other reasonable option for addressing the need relevant
30 to state critical infrastructure.

1 (2) Not entering into the contract or agreement would pose a greater
2 threat to the state than the threat associated with entering into the contract.

3 D.(1) Nothing in this Part shall apply to any transaction, agreement,
4 activity, technology, software, service, or access that is conducted pursuant to
5 and in compliance with a specific license or authorization issued by the United
6 States government, including but not limited to licenses or authorizations issued
7 by the United States Department of Homeland Security, United States
8 Department of the Treasury, or United States Department of Commerce, or
9 where such activities were previously conducted pursuant to a license or
10 authorization that is no longer required due to the lifting, modification,
11 removals, or expiration of applicable United States sanctions, executive orders,
12 regulations, or statutes.

13 (2) Intra-company shared services that do not involve a foreign
14 adversary company do not constitute agreements with a foreign principal so
15 long as ownership and operational command authority remain with a parent
16 company domiciled in the United States.

17 §3086. Prohibitions on certain software in critical infrastructure

18 A. All software providing operational command authority over critical
19 infrastructure shall not include any software produced by a company
20 headquartered in and subject to the laws of a foreign adversary, or a company
21 under the direction or control of a foreign adversary.

22 B. All software used in state infrastructure in operation within or serving
23 this state, including any state infrastructure which is not permanently disabled,
24 shall have all software prohibited pursuant to the provisions of this Section
25 removed and replaced with software which is not prohibited pursuant to the
26 provisions of this Section unless that software was lawfully installed prior to
27 August 1, 2026, and remains compliant with applicable federal law.

28 C. Any state infrastructure provider that removes, discontinues, or
29 replaces any prohibited software shall not be required to obtain any additional
30 permits from any state agency or political subdivision for the removal,

1 discontinuance, or replacement of such software as long as the state agency or
2 political subdivision is properly notified of the necessary replacements and the
3 replacement software is similar to the existing software.

4 §3087. Telecommunications providers in compliance with federal law

5 Nothing in this Part applies to any provider of an interactive computer
6 service, as defined in 47 U.S.C. 230, or any provider of a telecommunications
7 service or an information service, as defined in 47 U.S.C. 153, nor to any
8 employee, agent, or contractor acting on behalf of such provider, to the extent
9 that the provider is in compliance with the Secure and Trusted Communications
10 Networks Act of 2019, 47 U.S.C. 1601, et seq.

11 §3088. Electric utilities in compliance with federal law

12 Nothing in this Part applies to any member-owned electric cooperatives
13 or investor-owned utilities subject to the North American Electric Reliability
14 Corporation, NERC, Reliability Standards, or to any member-owned electric
15 cooperatives or investor-owned utility assets subject to the Nuclear Regulatory
16 Commission, NRC.

17 §3089. Enforcement; civil proceedings

18 The attorney general may institute civil proceedings to enforce the
19 provisions of this Part, including but not limited to actions against a foreign
20 adversary company or any other vendor, provider, distributor, or relabeler or
21 white-labeler of a foreign adversary technology for violations of the Unfair
22 Trade Practices and Consumer Protection Law, R.S. 51:1401 et seq.

23 Section 2. The Louisiana State Law Institute is hereby directed to designate the
24 provisions of R.S. 51:3071 through 3080 as Part A of Chapter 51 of Title 51 of the Louisiana
25 Revised Statutes of 1950 to be entitled, "PART A. DATABASE SECURITY BREACH
26 NOTIFICATION".

27 Section 3. It is the intent of this legislature that Venezuela not be considered a foreign
28 adversary unless and until a new determination is made by the United States Department of
29 Commerce to designate the successor regime to the Venezuelan politician Nicolas Maduro
30 to be a foreign adversary to the United States.

1 Section 4. (A) The provisions of R.S. 51:3089 as enacted by Section 1 of this Act
2 shall become effective on November 29, 2026.

3 (B) Sections 2, 3, and this Section of this Act shall become effective on August 1,
4 2026.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____