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 DIGEST

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SB 489 Reengrossed

2020 Regular Session

McMath

Proposed law provides that a governmental entity which is in substantial compliance with Proclamation Number 25 JBE 2020 and any subsequent related proclamations and associated guidelines issued by the Centers for Disease Control and Prevention, shall not have civil liability for injury or death due to COVID-19 infection transmitted through an alleged exposure occurring on its premises or through the services provided by the governmental entity during the COVID-19 public health emergency as declared by Proclamation Number 25 JBE 2020, unless the injury or death was caused by gross negligence or willful and wanton misconduct.

Proposed law provides that employees shall have no remedy in tort against their employer for exposure to COVID-19 whether or not La. Workers' Compensation Law is applicable, unless caused by an intentional act.

Proposed law defines a "governmental entity" as the state, all agencies, boards, committees, or commissions of the executive, legislative, or judicial branches of state government, and any political subdivision which employs the public employee or employed the former public employee.

Proposed law provides that due to the imminent threat posed by COVID-19 as provided in Proclamation Number 25 JBE 2020 and any subsequent related proclamations, declaring the existence of a statewide public health emergency, proposed law shall be retroactive to March 11, 2020.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 29:773)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Provides that a governmental entity which is in substantial compliance with Proclamation Number 25 JBE 2020 and any subsequent related proclamations and associated guidelines issued by the Center for Disease Control, shall not have civil liability for injury or death due to COVID-19 infection transmitted through an alleged exposure occurring on its premises or through the services provided by the governmental entity during the COVID-19 public health emergency as declared by Proclamation Number 25 JBE 2020, unless the injury or death was caused by gross negligence or willful and wanton misconduct.
2. Provides that due to the imminent threat posed by COVID-19 as provided in Proclamation Number 25 JBE 2020 and any subsequent related proclamations, declaring the existence of a statewide public health emergency, proposed law shall be retroactive to March 11, 2020.

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Makes technical correction.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the engrossed bill:

1. Provide relative to application of proposed law to workers' compensation claims.