AN ACT

To amend and reenact R.S. 29:735(A)(1), and to enact R.S. 29:773, relative to immunity from civil liability; to provide relative to certain immunity by public entities and persons from civil liability during disasters and emergencies; to provide relative to the Louisiana Homeland Security and Emergency Assistance and Disaster Act; to provide relative to limitation of liability during the COVID-19 public health emergency; to provide certain terms and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:735(A)(1) is hereby amended and reenacted and R.S. 29:773 is hereby enacted to read as follows:

§735. Immunity of personnel

A.(1) Neither the state nor any political subdivision thereof, nor other state agencies, nor, except in case of willful misconduct, the agents’ employees or representatives of any of them engaged in any homeland security and emergency preparedness and recovery activities, while complying with or attempting to comply...
with this Chapter or any rule or regulation promulgated pursuant to the provisions
of this Chapter shall be liable for the death of or any injury to persons or damage to
property as a result of such activity.

* * *

§773. Limitation of liability during the COVID-19 public health emergency

A. Notwithstanding any other provision of law to the contrary, no
natural or juridical person, state or local government, or political subdivision
thereof, shall be liable for damages or personal injury resulting from or related
to an actual or alleged exposure to COVID-19 in the course of or through the
performance or provision of the person's, government's, or political
subdivision's business operations unless the person, government, or political
subdivision failed to substantially comply with the applicable COVID-19
procedures established by the federal, state, or local agency which governs the
business operations and the injury or death was caused by the person's,
government's, or political subdivision's gross negligence or wanton or reckless
misconduct. If two or more sources of procedures are applicable to the business
operations at the time of the actual or alleged exposure, the person, government,
or political subdivision shall substantially comply with any one applicable set
of procedures.

B. This Section shall not apply if the damages that resulted from or are
related to the actual or alleged exposure to COVID-19 are shown by the
evidence to be the result of gross negligence, willful misconduct, or intentional
criminal misconduct.

C. This Section shall not affect the right of any person to receive benefits
to which he would otherwise be entitled under the Louisiana Workers'
Compensation Law.

Section 2. Due to the imminent threat posed by COVID-19 as provided in
Proclamation Number 25 JBE 2020 and any subsequent proclamation, declaring the
existence of a statewide public health emergency, Section 1 of this Act shall be retroactive
Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ___________