2020 First Extraordinary Session

HOUSE BILL NO. 58

BY REPRESENTATIVE FIRMENT

LIABILITY: Provides relative to limitations of liability due to the COVID-19 public health emergency (Item #40)

AN ACT

To enact R.S. 9:2800.27, relative to the limitation of liability; to provide for the limitation of liability during the COVID-19 public health emergency; to provide for the rights of certain nonprofit organizations and religious institutions; to provide for the liability of employees; to provide for liability related to business operations; to provide for liability related to events; to provide for claims pursuant to the Louisiana Workers' Compensation Law; to provide for retroactive application; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:2800.27 is hereby enacted to read as follows:

§2800.27. Nonprofit and religious organization limitation of liability during the COVID-19 public health emergency

A. Notwithstanding any other provision of law to the contrary, a nonprofit organization or religious institution and its employees shall not be held liable for any civil damages for injury or death resulting from or related to actual or alleged exposure to COVID-19 in the course of or through the performance or provision of the nonprofit organization's or religious institution's business operations, unless the nonprofit organization or religious institution 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

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
nonprofit organization's or religious institution'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 nonprofit
organization or religious institution shall substantially comply with any one
applicable set of procedures.

B. No nonprofit organization or religious institution shall be held liable for
any civil damages for injury or death resulting from or related to actual or alleged
exposure to COVID-19 in the course of or through the performance of hosting,
promoting, producing or otherwise organizing, planning or owning a tradeshow,
convention, meeting, association produced event, corporate event, sporting event,
worship service, festival, parade, or exhibition of any kind, unless such damages
were caused by the gross negligence or willful or wanton misconduct of the
nonprofit organization or religious institution.

C. This Section shall not affect the right of any person to receive benefits
provided under Louisiana Workers' Compensation Law.

D. For the purposes of this Section:

(1) "Employee" means an employee, volunteer, or independent contractor
of the nonprofit organization or religious institution, including ministers, directors,
officers, board members, deacons, elders, trustees, and lay ministers.

(2) "Nonprofit organization" means a not-for-profit organization qualified
as a tax-exempt organization under Section 501(c) of the Internal Revenue Code.

(3) "Religious institution" means a church, association of churches, or other
religious order, body, or institution that qualifies for exemption from taxation under
Section 501(c)(3) or (d) of the Internal Revenue Code.

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 to March
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.

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 58 Original 2020 First Extraordinary Session Firment

**Abstract:** Provides relative to immunity from civil liability for nonprofit organizations and
religious institutions during the COVID-19 public health emergency.

**Proposed law** provides that nonprofit organizations or religious institutions or employees
thereof shall not be liable for civil damages for injury or death resulting from exposure to
COVID-19 in the course of business operations unless it is proven that the nonprofit
organization or religious institution was not in substantial compliance with applicable
COVID-19 procedures, and unless such damage was caused by gross negligence or willful
or wanton misconduct.

**Proposed law** provides that nonprofit organizations or religious institutions or employees
thereof shall not be liable for civil damages for injury or death resulting from exposure to
COVID-19 in the course of hosting or producing meetings and other events, unless such
damage was caused by gross negligence or willful or wanton misconduct.

**Proposed law** provides that when two or more sets of COVID-19 procedures apply to a
business operation, the responsible party need only substantially comply with one applicable
set of procedures.

**Proposed law** exempts from the limitation of liability the right to receive benefits provided
by the Workers' Compensation Law.

**Proposed law** is retroactive to March 11, 2020.

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

(Adds R.S. 9:2800.27)