

## RÉSUMÉ DIGEST

**ACT 362 (SB 435)**

**2020 Regular Session**

**Abraham**

Prior law provided for the La. Homeland Security and Emergency Assistance and Disaster Act (Act).

Prior law provided for certain powers of the state and political subdivisions during a declared state of emergency.

New law retains prior law.

Prior law provided for certain immunity from civil liability for actions taken under the Act by state, political subdivisions, other agencies, agents, employees or representatives of any of them.

New law provides such immunity for action taken under the Act by the state, political subdivision, other state agencies or employees or representatives of any of them.

New law provides that notwithstanding any other provision of prior law to the contrary, no person or entity, including any local or state governmental entity or employee 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 such person or entity's business services or while engaged in the performance of such person or entity's duties, provided that the person or entity was relying on and generally followed applicable government standards and guidance related to COVID-19 exposure.

New law provides that 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.

New law provides that the limitation of liability shall not apply to any damages which 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.

New law provides that the right of any person to receive benefits to which he would otherwise be entitled under the workers' compensation law shall not be affected.

Effective upon signature of the governor (June 12, 2020).

(Amends R.S. 29:735(A)(1); adds R.S. 29:773)