

2020 Regular Session

SENATE BILL NO. 508

BY SENATOR MCMATH

LIABILITY. Limits liability for restaurants that provide food-to-go during a state declared emergency. (gov sig)

1 AN ACT

2 To enact R.S. 37:1739, to limit the liability of restaurants during a declared state of
3 emergency; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 37:1739 is hereby enacted to read as follows:

6 **§1739. Restaurants during declared state of emergency; limitation of liability**

7 **A. A restaurant which, in good faith and regardless of compensation,**
8 **provides food-to-go by drive-through during a declared state of emergency**
9 **when the state of emergency prohibits the congregation of persons within a**
10 **restaurant shall not be liable for any civil damages or injury as a result of any**
11 **act or omission related to donation or sale of food, unless the damages or injury**
12 **was caused by gross negligence or willful and wanton misconduct.**

13 **B. As used in this Section:**

14 **(1) "During a declared state of emergency" means during the period of**
15 **time set forth in a declaration of the governor in accordance with R.S. 29:724**
16 **and shall include the time period as set forth in the declaration and shall also**
17 **be retroactive to the precipitating event requiring the declaration.**

1 **(2) "Restaurant" means an eating establishment which gives or offers for**
 2 **retail sale prepared food to the public within its premises.**

3 Section 2. This Act shall become effective upon signature by the governor or, if not
 4 signed by the governor, upon expiration of the time for bills to become law without signature
 5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 7 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Jerry J. Guillot.

DIGEST

SB 508 Original 2020 Regular Session McMath

Proposed law provides that a restaurant which, in good faith and regardless of compensation, provides food-to-go by drive-through during a declared state of emergency when the state of emergency prohibits the congregation of persons within a restaurant shall not be liable for any civil damages or injury as a result of any act or omission related to donation or sale of food, unless the damages or injury was caused by gross negligence or willful and wanton misconduct.

Proposed law defines:

- (1) "During a declared state of emergency" means during the period of time set forth in a declaration of the governor in accordance with present law and shall include the time period as set forth in the declaration and shall also be retroactive to the precipitating event requiring the declaration.
- (2) "Restaurant" means an eating establishment which gives or offers for retail sale prepared food to the public within its premises.

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

(Adds R.S. 37:1739)