

CONFERENCE COMMITTEE REPORT

HB 826

2020 Regular Session

Pressly

June 1, 2020

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 826 by Representative Pressly, recommend the following concerning the Reengrossed bill:

- 1. That the set of Senate Committee Amendments by the Committee on Judiciary A (#2012) be rejected.
- 2. That Senate Floor Amendments Nos. 1 through 10 and 12 by Senator Peacock (#2254) be adopted.
- 3. That Senate Floor Amendment No.11 by Senator Peacock (#2254) be rejected.
- 4. That the following amendments be adopted:

AMENDMENT NO. 1

On page 4, delete lines 7 and 8 and insert the following:

"Section 3. 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, this Act shall be retroactive to March 11, 2020."

Respectfully submitted,

Representative Thomas Alexander Pressly, IV

Senator Heather Cloud

Representative Gregory A. Miller

Senator Barrow Peacock

Representative Debbie Villio

Senator Cleo Fields

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)]

CONFERENCE COMMITTEE REPORT DIGEST

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Keyword and oneliner of the instrument as it left the House

LIABILITY: Provides relative to the limitations of liability due to the COVID-19 public health emergency

Report adopts Senate amendments to:

1. Remove provisions relative to liability associated with the use of real estate, the performance of a contract with the state, assistance or advice provided to the state, and gratuitous emergency care.
2. Add a provision limiting liability associated with hosting or organizing a tradeshow, convention, meeting, event, or exhibition.

Report rejects Senate amendments to:

1. Make provisions relative to the limitation of liability for business operations and event hosts and organizers retroactive to March 11, 2020.

Report amends the bill to:

1. Make provisions relative to the limitation of liability for business operations, event hosts and organizers, and the manufacture, distribution, and use of personal protective equipment retroactive to March 11, 2020.

Digest of the bill as proposed by the Conference Committee

Proposed law provides that no person or local or state government or political subdivision thereof shall be liable for civil damages for injury or death resulting from exposure to COVID-19 in the course of or through the performance of a person's business operations unless it is proven that the person, government, or political subdivision 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 no person, local or state government or political subdivision thereof, business event strategist, association meeting planner, corporate meeting planner, independent trade show organizer or owner, or other entity shall be liable for civil damages for injury or death resulting from exposure to COVID-19 in the course of or through the performance of hosting, promoting, producing, or otherwise organizing, planning, or owning a trade show, convention, meeting, association produced event, corporate event, sporting event, or exhibition of any kind, unless such damage was caused by gross negligence or willful or wanton misconduct.

Proposed law provides that during the public health emergency declared during the outbreak of COVID-19, no designers, manufacturers, labelers, or distributors of personal protective equipment shall be liable for civil damages for injury caused by personal protective equipment unless such damages were caused by gross negligence or willful or wanton misconduct.

Proposed law further provides that during the COVID-19 public health emergency, no person who uses, dispenses, or administers personal protective equipment shall be liable for civil damages for injury related to the personal protective equipment unless the person was not in substantial compliance with applicable COVID-19 procedures and unless such damage was caused by gross negligence or wanton and reckless misconduct.

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

Proposed law provides that employees not covered by Worker's Compensation shall have no remedy in tort against their employer for exposure to COVID-19 unless caused by an intentional act.

Proposed law is retroactive to March 11, 2020.

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

(Adds R.S. 9:2800.25 and R.S. 29:773)