
DIGEST

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HB 856 Original

2020 Regular Session

Edmonds

Abstract: Provides a limitation of liability to certain individuals and businesses that provide food and medical supplies and related equipment in response to the COVID-19 public health emergency.

Present law provides that no person shall have a cause of action for damages against a restaurant, church, civic organization, or school, or against any individual, farmer, manufacturer, processor, packer, wholesaler, or retailer of food who donates perishable, salvageable food which is prepared and subsequently donated by the restaurant, church, civic organization, or school to a facility which operates an on-premises feeding program for certain persons, unless the damages result from the intentional act or omission or the negligence of the restaurant or donor.

Proposed law retains present law and also provides a limitation of liability for damages caused by the condition of food when a restaurant, church, civic organization, school, individual, farmer, manufacturer, processor, packer, wholesaler, or retailer of food provides food directly or indirectly to the general public through donation or for compensation during the COVID-19 public health declared state of emergency.

Proposed law provides that proposed law shall only be applicable and remain in effect for the duration of Proclamation JBE 2020-25 and for the duration of any extension of the public health declared state of emergency.

Present law provides that medical personnel who, in good faith and regardless of compensation, render or fail to render emergency care, health care services or first aid during a declared state of emergency when the state of emergency affects the rendering of medical care shall not be liable for any civil damages or injury as a result of any act or omission related to the rendering of or failure to render services, unless the damages or injury was caused by gross negligence or willful and wanton misconduct.

Proposed law retains present law.

Present law provides definitions for "during a declared state of emergency", "health care services", and "medical personnel".

Proposed law retains present law but specifies that "during a declared state of emergency" means a declaration by proclamation or executive order.

Proposed law extends the present law limitation of liability to individuals and businesses that produce or supply in good faith and regardless of compensation, medical supplies and related equipment in response to the COVID-19 public health declared state of emergency.

Proposed law defines "healthcare provider" and "medical supplies and related equipment".

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

(Amends R.S. 9:2799.3 and R.S. 37:1731.1)