The original instrument was prepared by Jerry Guillot and the following digest, which constitutes no part of the legislative instrument, was prepared by Christine Arbo Peck.

DIGEST 2020 Regular Session

McMath

<u>Proposed law</u> provides that no owner, operator, employee, contractor, or agent of a restaurant which is in substantial compliance with Proclamation Number 25 JBE 2020 and any subsequent related proclamations and associated guidelines issued by the Centers for Disease Control and Prevention, shall have civil liability for injury or death due to COVID-19 infection transmitted through the preparation and serving of food and beverage products by the restaurant during the COVID-19 public health emergency as declared by the proclamation unless the injury or death was caused by gross negligence or wilful and wanton misconduct.

<u>Proposed law</u> further provides that the provisions of <u>proposed law</u> shall include the serving of the prepared food and beverage products by dine-in, takeout, drive-through, or delivery throughout the duration of the COVID-19 public health emergency.

<u>Proposed law</u> defines "restaurant" to mean an eating establishment which gives or offers for retail sale prepared food to the public within its premises.

<u>Proposed law</u> is enforceable retroactive to March 11, 2020 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.

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

(Adds R.S. 29:773)

SB 508 Reengrossed

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

- 1. Provides for technical changes.
- 2. Provides that no owner, operator, employee, contractor, or agent of a restaurant which is in substantial compliance with 20 Proclamation JBE 2020-25 and any subsequent related proclamations and associated guidance issued by the Centers for Disease Control, shall have civil liability for injury or death due to coronavirus infection transmitted through the preparation and serving of food and beverage products by the restaurant during the COVID-19 public health emergency as declared by Proclamation Number 25 JBE 2020, absent clear and convincing evidence of gross negligence, willful and wanton misconduct, or violation of a public health

- emergency proclamation or order issued by the state or a political subdivision.
- 3. Provides that the provisions of <u>proposed law</u> shall include the serving of the prepared food and beverage products by takeout, drive-through, or delivery throughout the duration of such emergency and shall also be retroactive to the precipitating event requiring the declaration of a public health emergency.

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

- 1. Provides for retroactive applicability to March 11, 2020, 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.
- 2. Removes clear and convincing evidence and violation of a public health emergency proclamation or order issued by the state or political subdivision as exceptions from civil liability protection.
- 3. Adds dine-in as a covered service location.
- 4. Makes technical changes.