

HOUSE SUMMARY OF SENATE AMENDMENTS**HB 826****2020 Regular Session****Pressly**

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

Synopsis of Senate Amendments

1. Removes 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. Adds a provision limiting liability associated with hosting or organizing a tradeshow, convention, meeting, event, or exhibition.

Digest of Bill as Finally Passed by Senate

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.

Proposed law provides that during the public health emergency declared during the outbreak of COVID-19, the following classes of persons shall not be civilly liable for any act or omission related thereto except in the event of gross negligence or willful and wanton misconduct:

- (1) Business event strategists, association or corporate meeting planners, independent tradeshow organizers, or other entities organizing an event.
- (2) Manufacturers, distributors, and users of personal protective equipment.

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)