
DIGEST

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HB 586 Original

2023 Regular Session

Stefanski

Abstract: Provides for civil liability of persons engaging or facilitating illegal fentanyl trafficking or commercial activity.

Proposed law provides that any person or foreign state that engages in or facilitates any illegal fentanyl trafficking or related commercial activity, directly or through an agent, shall be liable for damages resulting from the unintended ingestion of illegal fentanyl if the ingestion results in serious bodily injury or death.

Proposed law provides that available damages include punitive damages, court costs, and reasonable attorney fees.

Proposed law provides that the defendant in an action brought pursuant to proposed law shall have the burden of proving that it did not engage in or facilitate the illegal trafficking or related commercial activity of the unintended ingestion of illegal fentanyl that produced damages.

Proposed law exempts manufacturers of fentanyl that are registered with the U.S. attorney General pursuant to 21 U.S.C. 822.

Present law (21 U.S.C. 822) provides that every person who manufactures or distributes any controlled substance shall obtain an annual registration issued by the U.S. attorney general.

Proposed law provides that the actions of a person ingesting fentanyl shall not be attributable as comparative fault.

Present law (C.C. Art. 2323) provides that in an action where a person suffers injury, death, or loss, the degree or percentage of fault of all persons causing or contributing to the injury shall be determined.

Proposed law provides that an action brought pursuant to proposed law shall be subject to a liberative prescription of 30 years commencing to run from the day of injury.

Proposed law defines "commercial activity", "fentanyl", "foreign state", "ingestion", "person", "serious bodily injury", and "trafficking".

Present law (28 U.S.C. 1603) provides for immunities and liabilities of foreign states.

Proposed law provides for legislative intent.

Proposed law provides that proposed law shall be known and cited as "JaJa's Law".

(Adds R.S. 9:2800.77)