

SENATE RESOLUTION NO. 163

BY SENATORS LUNEAU, CARTER AND MILLER

A RESOLUTION

To urge and request the Louisiana State Law Institute to study and make recommendations to the legislature whether to include digital products, and which digital products to include in the application of the Louisiana Products Liability Act.

WHEREAS, the Louisiana Products Liability Act establishes the exclusive theories of liability for manufacturers for damage caused by their products when those products are unreasonably dangerous and cause injury from a reasonably anticipated use of the product; and

WHEREAS, Act No. 10 of the 2024 Third Extraordinary Session of the Legislature recognizes, defines, and taxes "digital products"; and

WHEREAS, under the Louisiana Products Liability Act, business entities in Louisiana have a duty to consumers to design or manufacture products that are not unreasonably dangerous; and

WHEREAS, business entities designing, manufacturing and selling digital products in Louisiana should be held to the same safety standards as the designers and manufacturers of other products; and

WHEREAS, in light of the interpretation of 47 U.S. Code §230 (Section 230) in various judicial opinions, including in cases such as *Doe v. MySpace, Inc.*, 528 F. 3d 413, 421 (5th Cir. 2008) and *Doe v. Snap, Inc.*, No. 22-20543 (5th Cir. 2023) in the United States Court of Appeals for the Fifth Circuit, the legislature has an interest in clarifying the duty of digital product designers and manufacturers to keep Louisiana citizens safe; and

WHEREAS, digital products are the products of our time and should be treated like any other product for the protection of citizens and businesses in Louisiana.

THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study and make recommendations to the legislature on expanding the application of the Louisiana Products Liability Act to digital products.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute and that the Louisiana State Law Institute report its findings and recommendations to the legislature on or before February 1, 2026.

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PRESIDENT OF THE SENATE