SLS 26RS-599 **ORIGINAL**

2026 Regular Session

SENATE BILL NO. 239

BY SENATOR MILLER

LIABILITY. Provides relative to burden of proof for recovery in tort claims of mental anguish and emotional distress. (8/1/26)

AN ACT

To enact Civil Code Art. 2315(C), relative to recovery in tort claims of mental anguish and emotional distress absent physical injury; to provide relative to an injured person; to provide relative to certain types of mental anguish and emotional distress; to provide relative to the burden of proof; to provide relative to a defendant's conduct; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Art. 2315(C) is hereby enacted to read as follows:

Art. 2315. Liability for acts causing damages

* * *

C. To recover for mental anguish or emotional distress, absent physical injury under this Article, the injured person shall prove the especial likelihood of genuine and serious mental distress arising from the circumstances of the defendant's conduct.

Coding: Words which are ~~struck through~~ are deletions from existing law; words in **boldface type and underscored** are additions.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

DIGEST

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Proposed law provides that to recover for mental anguish or emotional distress, absent physical injury under present law, the injured person shall prove the especial likelihood of genuine and serious mental distress arising from the circumstances of the defendant's conduct.

Effective August 1, 2026.

(Adds C.C. Art. 2315(C))

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