

2026 Regular Session

HOUSE BILL NO. 804

BY REPRESENTATIVE GEYMANN

ENERGY: Creates the Louisiana Energy Protection Act

1 AN ACT

2 To enact Chapter 18 of Subtitle I of Title 30 of the Louisiana Revised Statutes of 1950, to
3 be comprised of R.S. 30:1601 through 1606, relative to damages caused by climate
4 change; to create the Louisiana Energy Protection Act; to provide for claims brought
5 for damages related to climate change; to limit liability for emissions of greenhouse
6 gases; to protect energy producers and related industries from claims for emissions;
7 and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Chapter 18 of Subtitle I of Title 30 of the Louisiana Revised Statutes of
10 1950, to be comprised of R.S. 30:1601 through 1606 is hereby enacted to read as follows:

11 CHAPTER 18. LOUISIANA ENERGY PROTECTION ACT

12 §1601. Title

13 This Chapter shall be known as the "Louisiana Energy Protection Act".

14 §1602. Public Policy

15 A. The legislature hereby declares that it is the public policy of the state of
16 Louisiana to promote and support the production of energy to meet the energy needs
17 of this state, the nation, and the world. Further, it is the public policy of the state of
18 Louisiana to protect energy producers and related industries from claims that
19 emissions, including greenhouse gases, into the air, atmosphere, or any other
20 medium caused by or contributed to, in whole or in part, climate change, where such

1 climate change is alleged to have resulted, directly or indirectly, in damages to
2 others, including but not limited to personal injury, death, property damages, or
3 economic loss.

4 B. It is the intent of the legislature for any claim for damages to be
5 preempted by federal law, including the Clean Air Act, 42 U.S.C. 7401, et seq., and
6 notwithstanding any other provision of law to the contrary, for this Chapter to limit
7 all rights of action, causes of actions, or claims under Louisiana state law or in
8 Louisiana state courts as provided in this Chapter.

9 §1603. Definitions

10 A. "Claim for damages based on Louisiana emissions" means any and all
11 claims that emissions, including greenhouse gases, originating exclusively from
12 inside the state of Louisiana, into the air, atmosphere or any other medium caused,
13 in whole or in part, climate change which resulted, directly or indirectly, in damages
14 to others.

15 B. "Claim for damages based on non-Louisiana emissions" means any and
16 all claims that emissions, including greenhouse gases, originating in whole or in part
17 from outside the state of Louisiana, into the air, atmosphere, or any other medium
18 caused, in whole or in part, climate change which resulted, directly or indirectly, in
19 damages to others.

20 C. "Climate change" means a change of climate which is attributed directly
21 or indirectly to activity that alters the composition of the atmosphere, including the
22 emission of greenhouse gases.

23 D. "Damages" means all damages including but not limited to personal
24 injury, death, property damages, or economic loss.

25 E. "Greenhouse gases" means those gaseous constituents of the atmosphere,
26 both natural and anthropogenic, that absorb and emit infrared radiation, including but
27 not limited to carbon dioxide, methane, nitrous oxide, water vapor, ozone, or
28 fluorinated gases, such as chlorofluorocarbons, hydrofluorocarbons,
29 perfluorocarbons, sulfur hexafluoride, and nitrogen trifluoride.

1 F. "Person" means any individual or legal entity, public or private, including
2 nonprofit, nongovernmental, and governmental entities.

3 §1604. Actions; prohibited

4 A. No cause of action exists under Louisiana law for any claim for damages
5 based on non-Louisiana emissions.

6 B. No right of action exists under Louisiana law for any claim for damages
7 based on non-Louisiana emissions.

8 §1605. Claims for damages

9 A. No person has, nor may bring, any claim for damages based on Louisiana
10 emissions against any other person, unless a court finds by clear and convincing
11 evidence that the person against whom the action is brought has either:

12 (1) Violated an enforceable Louisiana or federal statutory limitation or
13 restriction against emissions of greenhouse gases originating within the state of
14 Louisiana.

15 (2) Violated the express terms of a valid enforceable operating, air, or other
16 permit issued by a Louisiana or federal regulatory agency that has jurisdiction over
17 the person's greenhouse gas emissions.

18 B. The person bringing the action shall:

19 (1)(a) Allege with specificity in the petition all of the following:

20 (i) Each emission of greenhouse gases by each defendant which gives rise
21 to the claim for damages occurred within the state.

22 (ii) The statutory limitation or restriction under Paragraph (A)(1) of this
23 Section or the permit under Paragraph (A)(2) of this Section violated.

24 (b) If the person bringing the action fails to comply with Subparagraph (1)(a)
25 of this Subsection, the petition shall be deemed vague and ambiguous if raised by
26 objection through a dilatory exception under Code of Civil Procedure Article 926(5).

27 (2)(a) Join as a party to the action all persons who contributed any emissions
28 which may have caused, in whole or in part, the alleged damages.

1 (b) If the person bringing the action fails to comply with Subparagraph (2)(a)
2 of this Subsection, such failure shall be deemed a nonjoinder of a party under Code
3 of Civil Procedure Article 641, if raised by objection through a peremptory exception
4 under Code of Civil Procedure Article 927(4) and Code of Civil Procedure Article
5 642 shall not apply to actions under this Chapter.

6 (3)(a) Submit admissible testimony by experts under Code of Evidence
7 Article 702 to prove both fault of the defendant or defendants and causation of
8 damages.

9 (b) If the person bringing the action fails to comply with Subparagraph (3)(a)
10 of this Subsection, the person bringing the action shall not be entitled to recover any
11 damages.

12 (4)(a) Prove by clear and convincing evidence that the emissions resulting
13 from the actions of the defendant or defendants caused more than fifty percent of the
14 damages.

15 (b) If the person bringing the action fails to comply with Subparagraph (4)(a)
16 of this Subsection, that person shall not be entitled to recover any damages.

17 (5)(a) Prove by clear and convincing evidence that the person bringing the
18 action did not directly or indirectly contribute to or cause any emissions which
19 resulted in or contributed to any of the alleged damages.

20 (b) If the person bringing the action fails to comply with Subparagraph (5)(a)
21 of this Subsection, that person shall not be entitled to recover any damages.

22 (6) Prove damages by clear and convincing evidence.

23 C. Notwithstanding any other provision of law in this Chapter, the person
24 bringing any action for damages may not recover any damages for economic loss
25 unaccompanied by physical injury to the person or his property.

26 §1606. Approvals required

27 In addition to the other requirements set forth in this Chapter, if the person
28 bringing an action under Chapter is the state, a political subdivision, or other

- 1 governmental entity, no such action may be brought unless prior written approval is
 2 received from all of the following:
- 3 (1) Governor of Louisiana.
 4 (2) Attorney General of Louisiana.
 5 (3) Louisiana House Committee on Natural Resources and Environment.
 6 (4) Louisiana Senate Committee on Natural Resources.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

HB 804 Original

2026 Regular Session

Geymann

Abstract: Establishes procedures and limitation of a liability for claims brought for damages related to climate change for emissions of greenhouse gases.

Proposed law provides public policy of La. to include protecting energy production in the state and to limit claims against the industry for injury or harm to people or property caused by emissions attributed to climate change.

Proposed law provides definitions for "claim for damages based on La. emissions", "claim for damages based on non-La. emissions", "climate change", "damages", and "person".

Proposed law prohibits a cause of action or right of action for claims for damages based on non-La. emissions.

Proposed law provides that claims cannot be brought unless a court finds the person against whom the claim is brought has violated a La. or federal statute limiting or restricting emissions of greenhouse gases originating within the state or violated the express terms of a permit issued by La. or a federal agency with jurisdiction over greenhouse gas emissions.

Proposed law provides requirements of the petition, parties, evidence, and damages for a claim filed under proposed law.

Proposed law prohibits damages for economic loss without physical injury to the person bringing the claim or his property.

Proposed law prohibits any matter from being brought under proposed law by the state or any political subdivision of the state unless prior approval is obtained from:

- (1) The governor of La.
- (2) The attorney general of La.
- (3) The House Committee on Natural Resources and Environment.
- (4) The Senate Committee on Natural Resources.

(Adds R.S. 30:1601-1606)