

2026 Regular Session

HOUSE BILL NO. 79

BY REPRESENTATIVE ROBBY CARTER

CIVIL/LAW: Removes damage threshold for carbon capture release

1 AN ACT

2 To amend and reenact R.S. 30:1109(B) through (F) and to repeal R.S. 30:1109(G), relative  
3 to the recovery of damages in carbon capture and storage; to remove caps on  
4 recovery for damages; to provide for technical changes; and to provide for related  
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 30:1109(B) through (F) are hereby amended and reenacted to read  
8 as follows:

9 §1109. Cessation of storage operations; limited liability release

10 \* \* \*

11 ~~B.(1) In any civil liability action against the owner or operator of a storage~~  
12 ~~facility, carbon dioxide transmission pipeline, or the generator of the carbon dioxide~~  
13 ~~being handled by either the facility or pipeline, the maximum amount recoverable~~  
14 ~~as compensatory damages for noneconomic loss shall not exceed two hundred fifty~~  
15 ~~thousand dollars per person, except where the damages for noneconomic loss~~  
16 ~~suffered by the plaintiff were for wrongful death, permanent and substantial physical~~  
17 ~~deformity, loss of use of a limb or loss of a bodily organ system, or permanent~~  
18 ~~physical or mental functional injury that permanently prevents the injured person~~  
19 ~~from being able to independently care for himself or herself and perform life-~~  
20 ~~sustaining activities. In such cases, the maximum amount recoverable as~~  
21 ~~compensatory damages for noneconomic loss shall not exceed five hundred thousand~~  
22 ~~dollars per person.~~

1           ~~(2) If Paragraph (1) of this Subsection, or the application thereof to any~~  
2           ~~person or circumstance, is finally determined by a court of law to be unconstitutional~~  
3           ~~or otherwise invalid, the maximum amount recoverable as damages for noneconomic~~  
4           ~~loss shall thereafter not exceed one million dollars per person. This provision shall~~  
5           ~~not supersede any contractual agreement with respect to liability between a plaintiff~~  
6           ~~and an owner or operator of a storage facility, a carbon dioxide transmission~~  
7           ~~pipeline, or the generator of the carbon dioxide.~~

8           ~~€.~~ Nothing in this Chapter shall establish or create establishes or creates any  
9           liability or responsibility on the part of the secretary or the state to pay any costs  
10          associated with site restoration from any source other than the funds or trusts created  
11          by this Chapter, nor shall the secretary or the state of Louisiana have any liability or  
12          responsibility to make any payments for costs associated with site restoration if the  
13          trusts created herein are insufficient to do so.

14          ~~Đ.~~ C. The secretary or his agents, on proper identification, may enter the land  
15          of another for purposes of site assessment or restoration.

16          E. D. The secretary and his agents are not liable for any damages arising  
17          from an act or omission if the act or omission is part of a good faith effort to carry  
18          out the purpose of this Chapter.

19          F. E. No party contracting with the Department of Conservation and Energy,  
20          or the secretary under the provisions of this Chapter shall be deemed to be a public  
21          employee or an employee otherwise subject to the provisions of Parts I through IV  
22          of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950.

23          ~~Ğ.~~ F. The secretary shall implement this Section in a manner consistent with  
24          and as the secretary deems necessary to carry out the purposes and requirements of  
25          the federal Safe Drinking Water Act, as amended, relating to the state's participation  
26          in the underground injection control program established under that Act with respect  
27          to the storage and sequestration of carbon dioxide, including but not limited to the  
28          state's authority to restrain any person from engaging in any unauthorized activity  
29          which is endangering or causing damage to public health or the environment.

1 Section 2. R.S. 30:1109(G) is hereby repealed in its entirety.

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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)]

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HB 79 Engrossed

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**Abstract:** Removes the damage caps for injuries resulting from carbon capture and storage.

Present law provides for civil liability actions against owners and operators of carbon dioxide storage facilities and carbon dioxide transmission pipelines and generators of the carbon dioxide being transported or stored by a facility or pipeline with the general limit on compensatory damages for noneconomic losses at \$250,000 per person and the limit for exceptional cases at \$500,000 per person.

Present law also provides the maximum amount recoverable for noneconomic losses at \$1 million per person in the event the liability limits under present law are found to be unconstitutional.

Proposed law removes the present law limitation of liability on any damages resulting from carbon capture and storage.

(Amends R.S. 30:1109(B)-(F); Repeals R.S. 30:1109(G))