

2026 Regular Session

SENATE BILL NO. 251

BY SENATORS PRESSLY, ALLAIN, BARROW, BASS, BOUDREAUX, JACKSON-ANDREWS, SELDERS AND WHEAT

HOMELAND SECURITY. Provides for critical infrastructure protection. (8/1/26)

1 AN ACT

2 To enact Part B of Chapter 51 of Title 51 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 51:3081 through 3089, and to designate R.S. 51:3071 through
4 3080 as Part A of Chapter 51 of Title 51 of the Louisiana Revised Statutes of 1950,
5 relative to critical infrastructure protection; to provide for critical infrastructure that
6 needs protection from foreign adversaries accessing state critical infrastructure; to
7 provide for assessing the state's vulnerability to sanctioned communications
8 equipment; to prohibit use of adversary cameras and laser sensor technologies in
9 Louisiana transportation systems; to provide enforcement of protected activities; and
10 to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Part B of Chapter 51 of Title 51 of the Louisiana Revised Statutes of 1950,
13 comprised of R.S. 51:3081 through 3089, is hereby enacted to read as follows:

14 **PART B. CRITICAL INFRASTRUCTURE PROTECTION**

15 **§3081. Title**

16 **This Part shall be known and may be cited as the "Louisiana Critical**
17 **Infrastructure Protection Act of 2026".**

1 §3082. Purpose

2 The purpose of this Part is to protect Louisiana critical infrastructure
3 by prohibiting foreign adversaries from accessing state critical infrastructure,
4 by assessing Louisiana's vulnerability to sanctioned communications equipment,
5 and by prohibiting the use of adversary cameras and laser sensor technologies
6 in Louisiana transportation systems.

7 §3083. Rule of construction

8 This Part shall be construed and applied in a manner consistent with
9 federal law and shall not be interpreted or enforced to prohibit, restrict,
10 condition, or delay any transaction, agreement, activity, technology, software,
11 service, or access that has been authorized, approved, licensed, exempted, or
12 otherwise permitted by the United States government.

13 §3084. Definitions

14 The following definitions shall apply unless the context indicates
15 otherwise:

16 (1) "Company" shall mean a for-profit sole proprietorship, organization,
17 association, corporation, partnership, joint venture, limited partnership, limited
18 liability partnership, or limited liability company, including a wholly owned
19 subsidiary or majority-owned subsidiary of those entities or business
20 associations that exist to make a profit; or a nonprofit organization.

21 (2) "Critical infrastructure" shall mean systems and assets, whether
22 physical or virtual, so vital to Louisiana or the United States of America that the
23 incapacity or destruction of such systems and assets would have a debilitating
24 impact on state or national security, state or national economic security, state
25 or national public health, or any combination of those matters. A critical
26 infrastructure may be publicly or privately owned, and includes but is not
27 limited to the following:

28 (a) Gas and oil production, storage, or delivery systems.

29 (b) Water supply, refinement, storage, or delivery systems.

1 (c) Telecommunications networks.

2 (d) Electrical power delivery systems.

3 (e) Emergency services.

4 (f) Transportation systems and services.

5 (g) Personal data or otherwise classified information storage systems,
6 including cybersecurity.

7 (3) "Cybersecurity" shall mean the measures taken to protect a
8 computer, computer network, computer system, or other technology
9 infrastructure against unauthorized use or access.

10 (4) "Domicile" shall mean either the country in which a company is
11 registered or where the company's affairs are primarily completed.

12 (5) "Foreign adversary" shall mean those countries listed in 15 CFR
13 791.4.

14 (6) "Foreign principal" shall mean the following entities:

15 (a) The government or any official of the government of a foreign
16 adversary.

17 (b) A political party or member of a political party or any subdivision of
18 a political party of a foreign adversary.

19 (c) A partnership, association, corporation, organization, or other
20 combination of persons organized under the laws of or having its principal place
21 of business in a foreign adversary, or a subsidiary of such entity, that is owned
22 or controlled, directly or indirectly, by persons or entities of a foreign adversary
23 through the ownership of a majority voting interest or the power to direct
24 management or policies of the entity. Ownership shall not include passive
25 ownership of publicly traded securities that does not confer the power to direct
26 or influence management or operations.

27 (d) Any person who is domiciled in a foreign adversary and is not a
28 citizen or lawful permanent resident of the United States.

29 (e) Any person, entity, or collection of persons or entities, described in

1 Subparagraphs (a) through (d) of this Paragraph having a controlling interest
2 in a partnership, association, corporation, organization, trust, or any other legal
3 entity or subsidiary formed for the purpose of owning real property.

4 (7) "Office" means the Governor's Office of Homeland Security and
5 Emergency Preparedness.

6 (8) "Operational command authority" shall mean the authority to direct,
7 control, or make real time operational decisions affecting the physical
8 functioning, safety, or emergency response of critical infrastructure.

9 (9) "Software" shall mean any program or routine, or any set of one or
10 more programs or routines, which are used or intended for use to cause one or
11 more computers or pieces of computer-related peripheral equipment, or any
12 combination thereof, to perform a task or set of tasks, as it relates to state
13 infrastructure, or any operational software.

14 §3085. Prohibited access to critical infrastructure

15 A. A company or other entity constructing, repairing, operating, or
16 otherwise having significant access to critical infrastructure may not enter into
17 an agreement relating to critical infrastructure in this state with a foreign
18 principal from a foreign adversary if the agreement would allow the foreign
19 principal from a foreign adversary to directly or remotely exercise operational
20 command authority over critical infrastructure in this state.

21 B. A governmental entity may not enter into a contract or other
22 agreement relating to critical infrastructure in this state with a company that
23 is a foreign principal from a foreign adversary if the agreement would allow the
24 foreign principal from a foreign adversary to directly or remotely exercise
25 operational command authority over critical infrastructure in this state.

26 C. Notwithstanding the provisions in Subsections A and B of this Section,
27 an entity or governmental entity may enter into a contract or agreement
28 relating to critical infrastructure with a foreign principal from a foreign
29 adversary country or use products or services produced by a foreign principal

1 from a foreign adversary country if all of the following apply:

2 (1) There is no other reasonable option for addressing the need relevant
3 to state critical infrastructure.

4 (2) Not entering into the contract or agreement would pose a greater
5 threat to the state than the threat associated with entering into the contract.

6 D. Nothing in this Part shall apply to any transaction, agreement,
7 activity, technology, software, service, or access that is conducted pursuant to
8 and in compliance with a license, authorization, approval, exemption, or
9 determination issued by the United States government, including but not limited
10 to licenses or approvals issued by the United States Department of Homeland
11 Security, United States Department of the Treasury, or United States
12 Department of Commerce.

13 §3086. Prohibitions on certain software in critical infrastructure

14 A. All software used in critical infrastructure located within or serving
15 Louisiana shall not include any software produced by a company
16 headquartered in and subject to the laws of a foreign adversary, or a company
17 under the direction or control of a foreign adversary.

18 B. All software used in state infrastructure in operation within or serving
19 Louisiana, to include any state infrastructure which is not permanently
20 disabled, shall have all software prohibited under the provisions of this Section
21 removed and replaced with software which is not prohibited under the
22 provisions of this Section unless the software was lawfully installed prior to
23 August 1, 2026, and remains compliant with applicable federal law.

24 C. Any state infrastructure provider that removes, discontinues, or
25 replaces any prohibited software shall not be required to obtain any additional
26 permits from any state agency or political subdivision for the removal,
27 discontinuance, or replacement of such software as long as the state agency or
28 political subdivision is properly notified of the necessary replacements and the
29 replacement software is similar to the existing software.

§3087. Telecommunications providers in compliance with federal law

Nothing in this Part shall apply to any provider of an interactive computer service, as defined in 47 U.S.C. 230, or any provider of a telecommunications service or an information service, as defined in 47 U.S.C. 153, nor to any employee, agent, or contractor acting on behalf of such provider, to the extent that the provider is in compliance with the Secure and Trusted Communications Networks Act of 2019.

§3088. Electric utilities in compliance with federal law

Nothing in this Part shall apply to any investor owned utilities subject to the North American Electric Reliability Corporation (NERC) Reliability Standards, or to any investor owned utility assets subject to the Nuclear Regulatory Commission (NRC).

§3089. Enforcement; civil proceedings

The attorney general may institute civil proceedings to enforce the provisions of this Part, including but not limited to actions against a foreign adversary company or any other vendor, provider, distributor, or relabeler or white-labeler of a foreign adversary technology for violations of the Unfair Trade Practices and Consumer Protection Law, R.S. 51:1401 et seq.

Section 2. The Louisiana State Law Institute is hereby directed to designate the provisions of R.S. 51:3071 through 3080 as Part A of Chapter 51 of Title 51 of the Louisiana Revised Statutes of 1950 to be entitled, "PART A. DATABASE SECURITY BREACH NOTIFICATION".

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

SB 251 Re-Reengrossed

2026 Regular Session

Pressly

Proposed law enacts the "Louisiana Critical Infrastructure Protection Act of 2026".

Proposed law is construed and applied in a manner consistent with federal law and shall not be interpreted or enforced to prohibit, restrict, condition, or delay any transaction, agreement, activity, technology, software, service, or access that has been authorized,

approved, licensed, exempted, or otherwise permitted by the United States government.

Proposed law prohibits a company or other entity constructing, repairing, operating, or otherwise having significant access to critical infrastructure from entering into an agreement relating to critical infrastructure in this state with a foreign principal from a foreign adversary if the agreement would allow the foreign principal from a foreign adversary to directly or remotely exercise operational authority over critical infrastructure in this state.

Proposed law prohibits a governmental entity from entering into a contract or other agreement relating to critical infrastructure in this state with a company that is a foreign principal from a foreign adversary if the agreement would allow the foreign principal from a foreign adversary to directly or remotely exercise operational control over critical infrastructure in this state.

Proposed law exempts certain transactions, agreements, activities, technology, software, service, or access that is conducted pursuant to and in compliance with a license, authorization, approval, exemption, or determination issued by the United States government.

Proposed law defines "critical infrastructure" to mean systems and assets, whether physical or virtual, so vital to the state or the nation that the incapacity or destruction of these systems and assets would have a debilitating impact on state or national security, state or national economic security, state or national public health, or any combination of those matters. Provides that a critical infrastructure may be publicly or privately owned, and includes but is not limited to the following:

- (a) Gas and oil production, storage, or delivery systems.
- (b) Water supply, refinement, storage, or delivery systems.
- (c) Telecommunications network.
- (d) Electrical power delivery systems.
- (e) Emergency services.
- (f) Transportation systems and services.
- (g) Personal data or otherwise classified information storage system, including cybersecurity.

Proposed law defines "cybersecurity" to mean measures taken to protect a computer, computer network, computer system, or other technology infrastructure against unauthorized use or access.

Proposed law defines "operational command authority" to mean the authority to direct, control, or make real time operational decisions affecting the physical functioning, safety, or emergency response of critical infrastructure.

Proposed law exempts certain telecommunications providers from proposed law.

Proposed law exempts certain electric utilities from proposed law.

Proposed law authorizes the attorney general to institute civil proceedings to enforce the provisions of proposed law, including but not limited to actions against a foreign adversary company or any other vendor, provider, distributor, or relabeler or white-labeler of a foreign adversary technology for violations of the Unfair Trade Practices and Consumer Protection Law.

Effective August 1, 2026.

(Adds R.S. 51:3081-3089)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Adds provision regarding construction and application of proposed law.
2. Adds definition of "operational command authority".
3. Adds provision exempting certain transactions, agreements, activities, technology, software, service, or access that is conducted pursuant to and in compliance with a license, authorization, approval, exemption, or determination issued by the United States government.
4. Removes requirement that companies file a certification with GOHSEP in order to access critical infrastructure.
5. Removes provision regarding powers and duties of GOHSEP.
6. Removes provision regarding prohibitions on adversary network-connected devices.
7. Adds provision exempting certain telecommunications providers from proposed law.
8. Adds provision exempting certain electric utilities from proposed law.
9. Removes provision creating a Foreign Adversary Technology Rip and Replacement Fund.

Committee Amendments Proposed by Senate Committee on Finance to the engrossed bill

1. Removes provisions creating the Foreign Adversary Fraud Office (FAFO) within the consumer protection division of the office of the attorney general.
2. Removes provision authorizing the FAFO to pursue other litigation strategies, investigations, and other legal activities.
3. Authorizes the attorney general to institute civil proceedings to enforce the provisions of proposed law, including but not limited to actions against a foreign adversary company or any other vendor, provider, distributor, or relabeler or white-labeler of a foreign adversary technology for violations of the Unfair Trade Practices and Consumer Protection Law.
4. Makes technical changes.

Senate Floor Amendments to reengrossed bill

1. Makes technical changes.
2. Changes references from "foreign adversary country" to "foreign adversary".