

DIGEST

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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 defines "company", "critical infrastructure", "cybersecurity", "domicile", "foreign adversary", "foreign principal", "office", "operational command authority", "significant access", and "software".

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:

- (1) Gas and oil production, storage, or delivery systems.
- (2) Water supply, refinement, storage, or delivery systems.
- (3) Telecommunications network.
- (4) Electrical power delivery systems.
- (5) Emergency services.
- (6) Transportation systems and services.
- (7) Personal data or otherwise classified information storage system, including cybersecurity.
- (8) Ports and airports.

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 prohibits a company or other entity constructing, repairing, or otherwise having significant access to critical infrastructure from knowingly entering into a contract or other agreement relating to critical infrastructure in this state with a company that is a foreign principal of a foreign adversary if the agreement would allow the foreign principal

of a foreign adversary to directly or remotely exercise operational control over critical infrastructure in this state.

Proposed law prohibits a governmental entity from knowingly 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 provides for when an entity or governmental entity may enter into an agreement relating to critical infrastructure with a foreign principal from a foreign adversary country.

Proposed law exempts certain transactions, agreements, activities, technology, software, services, or access that are conducted pursuant to and in compliance with a specific license or authorization issued by the United States government.

Proposed law prohibits the use of certain software providing operational command authority over critical infrastructure produced by companies subject to or controlled by a foreign adversary, and procedures regarding the replacement of any such software.

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 beginning November 29, 2026, 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.

Proposed law provides a statement of legislative intent regarding the current foreign adversary status of Venezuela.

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".

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the re-engrossed bill:

1. Make technical changes.
2. Amend rule of construction to provide that proposed law shall not be interpreted to prohibit activity specifically authorized or approved by the United States government.
3. Amend definition of "critical infrastructure".
4. Amend definition of "foreign principal".
4. Add definition of "significant access".
5. Amend prohibitions on companies or government entities entering into agreements relating to critical infrastructure with a foreign principal from a foreign adversary from prohibiting entering into such agreements to prohibiting knowingly entering into such agreements.
6. Remove provision allowing an entity to enter into an agreement relating to critical infrastructure to use products or services produced by a foreign principal from a foreign adversary under certain circumstances.
7. Amend exemption for certain activities in compliance with a license or authorization from the federal government from requiring compliance with a federal license, authorization, approval, exemption, or determination to requiring a specific federal license or authorization; or where such activities are conducted pursuant to a license or authorization no longer required due to a change in federal sanctions, executive orders, or regulations.

8. Provide that intra-company shared services not involving a foreign adversary company do not constitute agreements with a foreign principal if ownership and organizational authority lie with a company domiciled in the United States.
9. Amend prohibition relating to software used in critical infrastructure in this state produced by a foreign adversary from prohibiting all such software to prohibiting only such software providing operational authority over that critical infrastructure.
10. Amend exemption regarding investor-owned utilities subject to the North American Electric Reliability Corporation Reliability Standards or subject to Nuclear Regulatory Commission authority to also include member-owned electric cooperatives subject to those same standards or authorities.
11. Provide legislative intent regarding Venezuela's status as a foreign adversary.
12. Provide that the attorney general may not begin enforcement of proposed law until November 29, 2026.