

2026 Regular Session

HOUSE BILL NO. 804

BY REPRESENTATIVE GEYMANN

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 1605, relative to claims for damages caused
4 by climate change; to create the Louisiana Energy Protection Act; to provide for
5 claims brought for climate change damages based on greenhouse gas emissions; to
6 limit liability for climate change damages based on greenhouse gas emissions; to
7 protect energy users, producers, and related industries from claims for climate
8 change damages based on greenhouse gas emissions; to provide for severability; and
9 to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Chapter 18 of Subtitle I of Title 30 of the Louisiana Revised Statutes of
12 1950, comprised of R.S. 30:1601 through 1605, is hereby enacted to read as follows:

13 CHAPTER 18. LOUISIANA ENERGY PROTECTION ACT

14 §1601. Title

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

16 §1602. Public policy

17 A. The legislature hereby declares that it is the public policy of the state of
18 Louisiana to promote and support the production and consumption of energy to meet
19 the energy needs of this state, the nation, and the world. Further, it is the public
20 policy of the state of Louisiana to protect energy users, producers, and related
21 industries from claims that greenhouse gas emissions caused or contributed to
22 climate change that directly or indirectly resulted in damages to others including but
23 not limited to personal injury, death, property damages, or economic loss.

24 B. The legislature recognizes that any covered civil liability action for
25 climate change damages from greenhouse gas emissions is preempted by federal law,
26 including the Clean Air Act, 42 U.S.C. 7401 et seq., and intends, notwithstanding

1 any other provision of law to the contrary, for this Chapter to limit all rights of
2 action, causes of actions, or claims constituting a covered civil liability action for
3 climate change damages from greenhouse gas emissions under Louisiana state law
4 or in Louisiana state courts as provided in this Chapter.

5 §1603. Definitions

6 For the purposes of this Chapter, the following terms shall have the following
7 meanings ascribed to them in this Section unless context or use clearly indicates
8 otherwise:

9 (1) "Climate change" means any actual or alleged change in global or
10 regional climate conditions, weather patterns, temperature, sea levels, storm
11 frequency or severity, or atmospheric composition, whether characterized as caused
12 by human activity, natural forces, or both. For purposes of this Chapter, climate
13 change shall include a change of climate which is attributed directly or indirectly to
14 activity that alters the composition of the atmosphere, including the emission of
15 greenhouse gases.

16 (2) "Covered civil liability action for climate change damages from
17 greenhouse gas emissions" means any claim or action for damages, penalties, or any
18 other form of relief whether legal or equitable or otherwise, or any cause of action
19 for fraud, misrepresentation, deception, or failure to warn, whether brought under
20 statute or under the Louisiana Civil Code or any other source of Louisiana law, that
21 purports to arise out of or relate to, or seek relief of any kind arising out of or relating
22 to, climate change or the alleged effects of climate change from greenhouse gas
23 emissions or any debate, public controversy, or discussion arising out of or relating
24 to climate change, its causes, or the alleged effects of climate change from
25 greenhouse gas emissions.

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

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

3 §1604. Actions; prohibited

4 A. No covered civil liability action for climate change damages from
 5 greenhouse gas emissions, as defined in R.S. 30:1603, shall be brought, filed, or
 6 maintained by any person against any person in any court or proceeding in this state,
 7 including any claim, cause of action, or judicial or administrative proceeding. This
 8 prohibition shall not apply to claims, actions, or judicial or administrative
 9 proceedings brought for unlawful acts arising out of either of the following:

10 (1) A violation of an enforceable Louisiana or federal statutory limitation or
 11 restriction against emissions of greenhouse gas, or a violation of the express terms
 12 of a valid, enforceable operating, air, or other permit issued by a Louisiana or federal
 13 regulatory agency that has jurisdiction over greenhouse gas emissions.

14 (2) A violation of an enforceable standard expressly established under the
 15 federal Occupational Safety and Health Act, 29 U.S.C. 651 et seq., where such
 16 violation directly and proximately causes the specific injury alleged.

17 B. The provisions of this Chapter shall apply to all covered civil liability
 18 actions for climate change damages from greenhouse gas emissions filed on or after
 19 the effective date of this Chapter, regardless of when the conduct giving rise to such
 20 action occurred.

21 §1605. Construction

22 No provision of this Chapter shall be construed to create a public or private
 23 claim, cause of action, or remedy.

24 Section 2. Notwithstanding any provision of law to the contrary, the provisions of
 25 this Act shall not apply to any lawsuit for damages filed on or before the effective date of
 26 this Act. The provisions of this Act shall not apply to any claims, lawsuits, or administrative
 27 enforcement actions filed under, or pursuant to, the provisions of the State and Local Coastal
 28 Resources Management Act of 1978, La. R.S. 49:214.21 et seq., or any regulations or
 29 ordinances adopted or issued pursuant thereto, provided that no such claims, lawsuits, or

1 administrative enforcement actions include allegations that defendants have caused,
2 contributed to, or otherwise are responsible for climate change as defined in this Act.

3 Section 3. If any provision of this Act or the application thereof is held invalid, such
4 invalidity shall not affect other provisions or applications of this Act which can be given
5 effect without the invalid provisions or applications, and to this end the provisions of this
6 Act are hereby declared severable.

7 Section 4. This Act shall become effective upon signature of the governor or, if not
8 signed by the governor, upon expiration of the time for bills to become law without signature
9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
10 vetoed by the governor and subsequently approved by the legislature, this Act shall become
11 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____