
DIGEST

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HB 826 Engrossed

2020 Regular Session

Pressly

Abstract: Limits liability for certain real estate owners, for the voluntary performance of public contracts, for gratuitous emergency care, for the performance of business operations, for the manufacture and use of personal protective equipment, and provides for the rights of employees during the COVID-19 public health emergency.

Proposed law provides that during the public health emergency declared during the outbreak of COVID-19, the following classes of persons shall not be civilly liable for any act or omission related thereto except in the event of gross negligence or willful and wanton misconduct:

- (1) Persons owning or controlling real estate who voluntarily and without compensation allow such real estate or premises to be used for the purpose of sheltering persons.
- (2) Persons who perform in contract with and under the direction of the state or its political subdivisions.
- (3) Persons who render assistance or advice at the request of the state or its political subdivisions.
- (4) Persons who gratuitously render emergency care.
- (5) Manufacturers, distributors, and users of personal protective equipment.

Proposed law provides that no person shall be liable for civil damages for injury or death resulting from exposure to COVID-19 in the course of or through the performance of a person's business operations unless it is proven by a preponderance of the evidence that the person was not in substantial compliance with applicable COVID-19 procedures.

Proposed law provides that employees not covered by Worker's Compensation shall have no remedy in tort against their employer for exposure to COVID-19 unless caused by an intentional act.

Proposed law is retroactive to March 11, 2020.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 9:2800.24)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Add provisions relative to liability for the voluntary performance of public contracts, gratuitous emergency care, business operations, personal protective equipment, and the rights of employees.

2. Removes provisions relative to healthcare providers and persons who perform an action outside their usual scope of business.
3. Provide for retroactive application.