

SENATE BILL NO. 508

BY SENATOR MCMATH AND REPRESENTATIVE EDMONDS

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AN ACT

To enact R.S. 29:773, to limit the liability of restaurants during a declared state of emergency; to provide certain terms, conditions, and definitions; to provide relative to claims pursuant to the Louisiana Workers' Compensation Law; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:773 is hereby enacted to read as follows:

§773. Restaurants during declared state of emergency; limitation of liability

A. No owner, operator, employee, contractor, or agent of a restaurant which is in substantial compliance with Proclamation Number 25 JBE 2020 and any subsequent related proclamations and applicable COVID-19 procedures established by a federal, state, or local agency, shall have civil liability for injury or death due to COVID-19 infection transmitted through the preparation and serving of food and beverage products by the restaurant during the COVID-19 public health emergency as declared by Proclamation Number 25 JBE 2020, unless the injury or death was caused by gross negligence or wilful and wanton misconduct. If two or more sources of procedures are applicable to the restaurant operations at the time of the actual or alleged exposure, the owner, operator, employee, contractor, or agent of a restaurant shall substantially comply with any one applicable set of procedures.

B. The provisions of this Section shall include the serving of the prepared food and beverage products by dine-in, takeout, drive-through, or delivery throughout the duration of the COVID-19 public health emergency.

1 C. Notwithstanding the provisions of Subsection A of this Section, an
2 employee shall retain the rights and remedies granted under the Louisiana
3 Workers' Compensation Law.

4 D. "Restaurant" means an eating establishment which gives or offers for
5 retail sale prepared food to the public within its premises.

6 Section 2. Due to the imminent threat posed by COVID-19 as provided in
7 Proclamation Number 25 JBE 2020 and any subsequent proclamation, declaring the
8 existence of a statewide public health emergency, Section 1 of this Act shall be retroactive
9 to March 11, 2020.

10 Section 3. This Act shall become effective upon signature by the governor or, if not
11 signed by the governor, upon expiration of the time for bills to become law without signature
12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
13 vetoed by the governor and subsequently approved by the legislature, this Act shall become
14 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____