

RÉSUMÉ DIGEST

ACT 305 (SB 508)

2020 Regular Session

McMath

New law provides that 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 to 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 the proclamation unless the injury or death was caused by gross negligence or wilful and wanton misconduct.

Provides that 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.

Further provides that the provisions of new law 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.

Requires that employees under new law retain the rights and remedies granted under the Louisiana Workers' Compensation Law.

Defines "restaurant" to mean an eating establishment which gives or offers for retail sale prepared food to the public within its premises.

New law is enforceable retroactive to March 11, 2020, due to the imminent threat posed by COVID-19 as provided in Proclamation Number 25 JBE 2020 and any subsequent proclamation, declaring the existence of a statewide public health emergency.

Effective upon signature of the governor (June 12, 2020).

(Adds R.S. 29:773)