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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Angela L. De Jean.

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DIGEST

SB 139 Original

2023 Regular Session

Harris

Present law provides immunity to a healthcare provider from being civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of gross negligence or willful misconduct during a state of public health emergency.

Proposed law retains present law except limits application to a patient and requires that the healthcare provider proves by a preponderance of the evidence that the public health emergency was a substantial contributing factor in causing the alleged injury, damages, or death of a patient to avail himself of the limited civil liability.

Proposed law will not apply to claims pending before a medical review panel in accordance with present law, and can be raised only as an affirmative defense in a lawsuit in which a healthcare provider is named as a defendant.

Proposed law provides that the provisions of proposed law will be given both prospective and retroactive application to March 11, 2020.

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

(Amends R.S. 29:771(B)(2)(c))