

## RÉSUMÉ DIGEST

ACT 412 (HB 586)

2023 Regular Session

Stefanski

New law provides that any entity or foreign state engaging in or facilitating illicit fentanyl trafficking or its commercial activity shall be liable for damages for serious bodily injury or death of persons beginning Jan. 1, 2015.

New law provides for liability of an entity or foreign state engaging in or facilitating illicit fentanyl trafficking or its related commercial activity, if the entity or foreign state had a sufficient nexus or substantial contact with the U.S. and the state at the time of the ingestion or at a time bearing a rational nexus to ingestion.

New law provides that available damages include punitive damages, expert witness fees and expenses, court costs, and reasonable attorney fees.

New law provides that the defendant in an action brought pursuant to new law shall have the burden of proving that it did not engage in or facilitate the illicit trafficking or related commercial activity of the unintended ingestion of illicit fentanyl that produced damages.

New law exempts manufacturers of fentanyl that are registered with the U.S. attorney general pursuant to 21 U.S.C. 822.

Existing law (21 U.S.C. 822) provides that every person who manufactures or distributes any controlled substance shall obtain an annual registration issued by the U.S. attorney general.

New law provides that the actions of a person ingesting fentanyl shall not be attributable as comparative fault.

Existing law (C.C. Art. 2323) provides that in an action where a person suffers injury, death, or loss, the degree or percentage of fault of all persons causing or contributing to the injury shall be determined.

New law provides that an action brought pursuant to new law shall be subject to a liberative prescription of 30 years commencing to run from the day of injury.

New law defines "commercial activity", "entity", "foreign state", "illicit fentanyl", "ingestion", "serious bodily injury", and "trafficking".

Existing law (28 U.S.C. 1603) provides for immunities and liabilities of foreign states.

New law provides for legislative intent.

New law provides that new law shall be known and cited as "JaJa's Law".

Effective August 1, 2023.

(Adds R.S. 9:2800.77)