

BY REPRESENTATIVES MELERINE, AMEDEE, BACALA, BAGLEY, BAMBURG, BEAULLIEU, BERAULT, BILLINGS, BOURRIAQUE, BOYER, BUTLER, CARLSON, CARVER, CHENEVERT, COATES, COX, CREWS, DAVIS, DESHOTEL, DEVILLIER, DICKERSON, DOMANGUE, ECHOLS, EDMONSTON, EGAN, EMERSON, FIRMENT, GALLE, GLORIOSO, HEBERT, HENRY, HORTON, MIKE JOHNSON, MACK, MCFARLAND, MCMAHEN, MCMAKIN, ORGERON, OWEN, ROMERO, SCHAMERHORN, SCHLEGEL, TARVER, TURNER, VILLIO, WILDER, WYBLE, AND ZERINGUE

1 AN ACT

2 To enact Code of Evidence Article 306.1, relative to the presumption of causation of
3 injuries; to prohibit a presumption of causation in certain circumstances; to provide
4 for exceptions; to provide for prospective application; to provide for an effective
5 date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Evidence Article 306.1 is hereby enacted to read as follows:

8 Art. 306.1. Presumption of causation of injuries

9 Notwithstanding any other provision of law, in a claim for personal injury
10 damages that is not raised pursuant to the Louisiana Workers' Compensation Law,
11 the lack of a prior history of an illness, injury, or condition shall not create a
12 presumption that an illness, injury, or condition was caused by the act that is the
13 subject of the claim.

14 Section 2. It is the intent of the legislature to overrule *Housley v. Cerise*, 579 So. 2d
15 973 (La. 1991).

16 Section 3. The provisions of this Act shall have prospective application only and
17 shall not apply to causes of action arising prior to the effective date of this Act.

1 Section 4. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____