

GREEN SHEET REDIGEST

HB 804

2026 Regular Session

Geymann

ENERGY: Creates the Louisiana Energy Protection Act.

DIGEST

Proposed law declares the public policy of La. to promote and support the production and consumption of energy to meet the needs of the state, the nation, and the world and to protect energy users, producers, and related industries from claims for injury or harm to people or property caused by greenhouse gas emissions attributed to climate change.

Proposed law recognizes that any covered civil liability action for climate change damages from greenhouse gas emissions is preempted by federal law and intends for proposed law to limit all rights of action, causes of action, or claims constituting a covered civil liability action for climate change damages from greenhouse gas emissions under La. law and in La. courts.

Proposed law provides definitions for "climate change", "covered civil liability action for climate change damages from greenhouse gas emissions", "greenhouse gases", and "person".

Proposed law prohibits any covered civil liability action for climate change damages from greenhouse gas emissions from being brought, filed, or maintained by any person against any person in any court or proceeding in this state, with the exception of claims, actions, or proceedings brought for unlawful acts arising out of either of the following:

- (1) A violation of an enforceable La. or federal statutory limitation or restriction against emissions of greenhouse gas, or a violation of the express terms of a valid, enforceable permit issued by a La. or federal regulatory agency that has jurisdiction over greenhouse gas emissions.
- (2) A violation of an enforceable standard expressly established under the federal Occupational Safety and Health Act, 29 U.S.C. 651 et seq., where such violation directly and proximately causes the specific injury alleged.

Proposed law provides for applicability to all covered civil liability actions for climate change damages from greenhouse gas emissions filed on or after the effective date of proposed law, regardless of when the conduct giving rise to the action occurred.

Proposed law provides that proposed law cannot be construed to create a public or private claim, cause of action, or remedy.

Proposed law provides that proposed law does not apply to any lawsuit for damages filed on or before the effective date of proposed law.

Proposed law provides for severability.

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

(Adds R.S. 30:1601-1605)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Clarify the public policy to include the promotion and support of consumption of energy in addition to production and to include the protection of energy users in addition to energy producers and related industries from claims related to climate change damages from greenhouse gas emissions.

2. Specify that claims that emissions caused by or contributed to climate change alleged to result in damages means greenhouse gas emissions rather than emissions including greenhouse gases.
3. Remove the definitions for "claim for damages based on La. emissions", "claim for damages based on non-La. emissions", and "damages", and add the definition for "covered liability claim for climate change damages based on greenhouse gas emissions".
4. Remove provisions specifying that no cause of action or right of action exists under La. law for any claim for damages based on non-La. emissions.
5. Clarify limitations that covered civil liability actions based on climate change emissions can only be brought for unlawful acts arising out of violations of federal or state limitations or restrictions against emissions of greenhouse gas or violations of the express terms of federal or state permits and add violations of an enforceable standard established under the federal Occupational Safety and Health Act, 29 U.S.C. 651 et seq., where the violation directly and proximately causes the specific injury alleged.
6. Remove the provision for the clear and convincing evidentiary burden.
7. Remove the requirement for identification of each emission of greenhouse gases and statutory limitation or restriction or permit violation to be contained in the petition and the exception to deem the petition vague and ambiguous if the requirement is not met.
8. Remove the requirement for joinder of all parties and the exception for nonjoinder.
9. Remove the requirements for proving that the emissions caused by the defendant caused more than fifty percent of the damages and that the person bringing the action did not contribute to the damages, evidence, and damages for a claim.
10. Remove requirements for the state or political subdivisions of the state to obtain prior approval to bring a claim.
11. Eliminate the distinction between La. emissions and non-La. emissions.
12. Remove the prohibition for damages for economic loss without physical injury to the person bringing the claim or his property.
13. Add provision for applicability of proposed law to all covered civil liability actions for climate change damages from greenhouse gas emissions filed on or after the effective date of proposed law regardless of when the conduct giving rise to the action occurred.
14. Add a prohibition against proposed law creating a public or private claim, cause of action, or remedy.
15. Add a severability provision that allows portions of proposed law to remain effective if the others are determined to be invalid.
16. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Make a technical change.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Natural Resources to the reengrossed bill

1. Exempt causes of action filed prior to effective date of proposed law.
2. Make proposed law effective upon signature of the governor.
3. Make a technical change.