
HOUSE COMMITTEE AMENDMENTS

2020 Regular Session

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 826 by Representative Pressly

AMENDMENT NO. 1

On page 1, at the end of line 4, delete "private persons," and delete line 5 in its entirety and insert "natural and juridical persons; to provide for liability related to the design, manufacture, distribution, use, and administration of personal protective equipment; to provide for the rights of employees; to provide for liability related to business operations; to provide for retroactive application; to provide"

AMENDMENT NO. 2

On page 1, at the end of line 10, delete "as declared by" and at the beginning of line 11, delete "Proclamation JBE 2020-25, any person" and insert a comma "," and "no natural or juridical person"

AMENDMENT NO. 3

On page 1, line 14, after "sheltering" delete the remainder of the line and delete lines 15 through 20 in their entirety and on page 2, delete lines 1 through 8 in their entirety and insert the following:

"individuals shall be liable for any civil damages to such individuals as a result of any act or omission relating to such real estate or premises under such license, privilege, or other permission, unless such damages were caused by the gross negligence or willful or wanton misconduct of that person.

B. During the COVID-19 public health emergency, no natural or juridical person who voluntarily and without compensation is engaged in the performance of a contract with and under the direction of the state or its political subdivision shall be liable for any civil damages as a result of any act or omission relating to the performance of such contract, unless such damages were caused by the gross negligence or willful or wanton misconduct of that person."

AMENDMENT NO. 4

On page 2, at the beginning of line 9, change "D." to "C."

AMENDMENT NO. 5

On page 2, delete lines 15 through 19 in their entirety and insert the following:

"D. During the COVID-19 public health emergency, no person who gratuitously renders emergency care, first aid, or rescue aid relating to the emergency shall be liable for civil damages as result of such care or aid, unless such damages were caused by the gross negligence or willful or wanton misconduct of that person.

E. No natural or juridical person shall be liable for any civil damages for injury or death resulting from or related to actual or alleged exposure to COVID-19 in the course of or through the performance or provision of the person's business operations unless it is shown by a preponderance of the evidence that the acts or omissions of that person were not in substantial compliance with the applicable COVID-19 procedures established by the federal, state, or local agencies which govern such businesses operations.

F. No natural or juridical person that designs, manufactures, labels, or distributes personal protective equipment in response to the COVID-19 public health

1 emergency and any other subsequent related proclamations shall be liable for civil
2 damages for injury or death caused by such personal protective equipment unless
3 such damages were caused by the gross negligence or willful or wanton misconduct
4 of that person.

5 G. During the COVID-19 public health emergency, no natural or juridical
6 person who uses, employs, dispenses, or administers personal protective equipment
7 shall be liable for civil damages for injury or death resulting from or related to such
8 personal protective equipment unless it is shown by a preponderance of the evidence
9 that the acts or omissions of that person were not in substantial compliance with the
10 applicable procedures established by federal, state, or local agencies which govern
11 such personal protective equipment.

12 H. An employee whose contraction of COVID-19 is determined to be
13 compensable under Title 23 of the Louisiana Revised Statutes of 1950 shall have no
14 remedy based in tort against his employer for such exposure unless the exposure was
15 intentional as provided by R.S. 23:1032(B).

16 I. Notwithstanding the rights of employees as provided by R.S. 23:1032(B),
17 employees who contract COVID-19 and are not covered by Title 23 of the Louisiana
18 Revised Statutes of 1950 shall have no remedy in tort against their employer for such
19 exposure unless the exposure was caused by intentional act.

20 J. For purposes of this Section, "the COVID-19 public health emergency"
21 means the COVID-19 public health emergency as declared by Proclamation JBE
22 2020-25 and as extended by any subsequent proclamations.

23 Section 2. The provisions of this Act shall apply to all causes of action
24 arising from any act or omission occurring on or after March 11, 2020."

25 AMENDMENT NO. 6

26 On page 2, at the beginning of line 20, change "Section 2." to "Section 3."