

2024 Regular Session

HOUSE BILL NO. 87

BY REPRESENTATIVE ECHOLS

LIABILITY/CIVIL: Provides relative to liability arising from COVID-19 vaccinations

1 AN ACT

2 To amend and reenact R.S. 23:1032(A)(1)(a) and to enact Civil Code Article 2315.12,
3 relative to COVID-19 vaccine liability; to provide for an exception to the exclusive
4 remedy for Worker's Compensation; to provide for definitions; to provide for an
5 effective date; to provide for applicability; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:1032(A)(1)(a) is hereby amended and reenacted to read as
8 follows:

9 §1032. Exclusiveness of rights and remedies; employer's liability to prosecution
10 under other laws

11 A.(1)(a) Except for intentional acts provided for in Subsection B and the
12 provisions of Civil Code Article 2315.12, the rights and remedies herein granted to
13 an employee or his dependent on account of an injury, or compensable sickness or
14 disease for which he is entitled to compensation under this Chapter, shall be
15 exclusive of all other rights, remedies, and claims for damages, including but not
16 limited to punitive or exemplary damages, unless such rights, remedies, and damages
17 are created by a statute, whether now existing or created in the future, expressly
18 establishing same as available to such employee, his personal representatives,
19 dependents, or relations, as against his employer, or any principal or any officer,

1 director, stockholder, partner, or employee of such employer or principal, for said
2 injury, or compensable sickness or disease.

3 * * *

4 Section 2. Civil Code Article 2315.12 is hereby enacted to read as follows:

5 §2315.12. Liability for damages caused by COVID-19 vaccinations

6 A. For purposes of this Article:

7 (1) "Damages" include all general and special damages which may be
8 recoverable for personal injury or death including those otherwise recoverable in a
9 survival or wrongful death action.

10 (2) "Public employer" means any state, parish or other local governmental
11 entity that may employ individuals.

12 (3) "School" means any child day care center as defined in R.S. 17:407.33,
13 any public or nonpublic school enrolling students in prekindergarten through grade
14 twelve, any institution under the management and supervision of a public
15 postsecondary education management board, any nonpublic college or university, or
16 any proprietary school as defined in R.S. 17:3140.1.

17 B. Any employer or school that mandates its employees or students receive
18 a COVID-19 vaccination shall be liable for any injuries or damages incurred by its
19 employees or students as a result of receiving the COVID-19 vaccination.

20 C. The provisions of this Article shall apply to all public and private
21 employers and all public and private schools.

22 Section 3. The provisions of this Act shall be given prospective application only.

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

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 87 Original

2024 Regular Session

Echols

Abstract: Provides that an employer or school is liable for damages in mandating that its employees or students receive a COVID-19 vaccination.

Present law (R.S. 23:1032) provides that an intentional tort is the only exception for Worker's Compensation as the exclusive remedy for an employee injured in the course and scope of employment.

Proposed law expands present law to include the provisions of proposed law (C.C. Art. 2315.12) as an exception to the exclusive remedy for an injured employee.

Proposed law (C.C. Art. 2315.12) provides that any employer or school that mandates its employees or students receive a COVID-19 vaccination shall be liable for any injuries incurred as a result of the employees or students receiving the vaccination.

Proposed law defines "damages", "public employer", and "school".

Proposed law provides for prospective application only.

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

(Amends R.S. 23:1032(A)(1)(a); Adds C.C. Art. 2315.12)