

2024 Regular Session

HOUSE BILL NO. 87

BY REPRESENTATIVES ECHOLS, WILDER, AMEDEE, BAYHAM, BILLINGS,  
BUTLER, CARLSON, CREWS, DEWITT, DICKERSON, EDMONSTON, EGAN,  
EMERSON, FIRMENT, GLORIOSO, MCCORMICK, AND OWEN

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

1 AN ACT

2 To enact R.S. 40:1125.42, relative to COVID-19 mandates; to provide for definitions; to  
3 provide relative to mask mandates; to provide relative to vaccine mandates; to  
4 provide for exceptions; to provide for relief; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:1125.42 is hereby enacted to read as follows:

7 §1125.42. COVID-19 mandates; mask; vaccinations

8 A. For purposes of this Section:

9 (1) "Governmental entity" means any department, office, division, agency,  
10 commission, board, committee, or other organizational unit of a political subdivision.

11 B.(1) Except as provided by Paragraph (2) of this Subsection, a  
12 governmental entity or business shall not implement, order, or impose a mandate  
13 requiring a person to wear a face covering to prevent the spread of COVID-19.

14 (2) The provisions of this Subsection shall not apply to the following:

15 (a) A nursing facility as defined by R.S. 40:2009.2.

16 (b) A correctional facility as defined by R.S. 14:402.

17 (c) A hospital as defined by R.S. 40:2102.

18 (d) A physician's office.

19 (e) An EMS practitioner as defined by R.S. 40:1131(15).

1           C.(1) Except as provided by Paragraph (2) of this Subsection, a  
2           governmental entity or business shall not implement, order, or impose a mandate  
3           requiring a person to be vaccinated against COVID-19.

4           (2) The provisions of this Subsection shall not apply to the following:

5           (a) Hospitals as defined by R.S. 40:2102 , or nursing facilities as defined by  
6           R.S. 40:2009.2, if the Centers for Medicare and Medicaid Services mandate that  
7           patient care employees in hospitals or nursing facilities receive the COVID-19  
8           vaccination.

9           (b) Religious accommodations in accordance with Title VII of the 1964 Civil  
10          Rights Act.

11          (c) A physician's office.

12          (d) An EMS practitioner as defined by R.S. 40:1131(15).

13          D. A person may file a petition requesting that the attorney general seek  
14          injunctive relief if a governmental entity violates the provisions of this Section. In  
15          an injunction issued pursuant to a violation of this Section, a court may include  
16          reasonable requirements to prevent further violations of this Section.

17          E. A violation of this Section shall be fined in accordance with the following.  
18          All fines in violation of this section shall include reasonable cost of investigation and  
19          attorney fees while the attorney general investigates and prosecutes any accused  
20          violation of this Section.

21          (1) A governmental entity shall be fined fifty thousand dollars for each  
22          violation of this Section.

23          (2) A small business as defined by the Small Business Administration shall  
24          be fined ten thousand dollars for each violation of this Section.

25          (3) A large business shall be fined fifty thousand dollars for each violation  
26          of this Section.

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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)]

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HB 87 Reengrossed

2024 Regular Session

Echols

**Abstract:** Provides that a governmental entity or employer shall not mandate masks or vaccines.

Proposed law defines "governmental entity".

Proposed law provides that a governmental entity or business shall not mandate masks except in nursing facilities, correctional facilities, hospitals, a physicians office, or for EMS practitioners.

Proposed law provides that a governmental entity or business shall not mandate vaccinations except for hospital or nursing facilities under the Centers for Medicare and Medicaid Services, religious accommodations, or a physician's office.

Proposed law provides that a person may file a petition requesting that the attorney general seek injunctive relief if a governmental entity violates the provisions of proposed law.

Proposed law provides for reasonable investigation fees and attorney fees to the attorney general while the attorney general investigates and prosecutes a violation of proposed law.

Proposed law provides for fines against a business for violations of proposed law.

(Adds R.S. 40:1125.42)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Replace all of proposed law with provisions to prohibit mask and vaccination mandates and to provide for exceptions and a fee enforced by the attorney general.