

2020 Regular Session

HOUSE BILL NO. 745

BY REPRESENTATIVE VILLIO

LIABILITY: Provides for limited liability for medical services rendered during a state of emergency

1 AN ACT

2 To amend and reenact R.S. 37:1731.1, relative to the limitation of liability; to provide for  
3 the provision of healthcare services during a state of emergency; to provide for the  
4 limitation of liability during a public health emergency; and to provide for related  
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 37:1731.1 is hereby amended and reenacted to read as follows:

8 §1731.1. Medical services during declared state of emergency; limitation of liability

9 A. Medical personnel who, in good faith and regardless of compensation,  
10 render or fail to render emergency care, ~~health-care~~ healthcare services, or first aid  
11 during a declared state of emergency when the state of emergency affects the  
12 rendering of medical care shall not be liable for any civil damages or injury as a  
13 result of any act or omission related to the rendering of or failure to render services,  
14 unless the ~~damages~~ damage or injury was caused by gross negligence or willful and  
15 wanton misconduct.

16 B. As used in this Section:

17 (1) "During a declared state of emergency" means during the period of time  
18 set forth in a declaration of the governor in accordance with R.S. 29:724 or R.S.  
19 29:760 et seq., and shall include the time period as set forth in the declaration and  
20 shall also be retroactive to the precipitating event requiring the declaration.

1                   (2) "~~Health care~~ Healthcare services" means any act or treatment performed  
2                   or furnished or which should have been performed or furnished, by a ~~health care~~  
3                   healthcare provider for, to, or on behalf of a person.

4                   (3) "Medical personnel" means an individual or person subject to the  
5                   provisions of R.S. 37:1731, regardless of compensation.

6                   Section 2. This Act shall become effective upon signature by the governor or, if not  
7                   signed by the governor, upon expiration of the time for bills to become law without signature  
8                   by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
9                   vetoed by the governor and subsequently approved by the legislature, this Act shall become  
10                  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 745 Original

2020 Regular Session

Villio

**Abstract:** Limits the liability of medical personnel who render care during a state of public health emergency declared by the governor in accordance with the La. Health Emergency Powers Act.

Present law provides that medical personnel who, in good faith and regardless of compensation, render or fail to render emergency care, healthcare services, or first aid during a declared state of emergency when the state of emergency affects the rendering of medical care shall not be liable for any civil damages or injury as a result of any act or omission related to the rendering of or failure to render services, unless the damages or injury was caused by gross negligence or willful and wanton misconduct.

Present law applies to a state of emergency as declared by the governor in accordance with the La. Homeland Security and Emergency Assistance and Disaster Act.

Proposed law retains present law and applies present law to a state of public health emergency as declared by the governor in accordance with the La. Health Emergency Powers Act.

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

(Amends R.S. 37:1731.1)