

SENATE BILL NO. 330

BY SENATOR CHAISSON AND REPRESENTATIVES ARNOLD, BOBBY BADON, BURFORD, HENRY BURNS, CARMODY, CHAMPAGNE, CHANDLER, CHANEY, CORTEZ, CROMER, GISCLAIR, HARRISON, HAZEL, HINES, HOFFMANN, HOWARD, HUTTER, ROSALIND JONES, LABRUZZO, LIGI, LOPINTO, LORUSSO, MILLS, MONTOUCET, NOWLIN, PEARSON, SCHRODER, JANE SMITH, PATRICIA SMITH, TEMPLET, TRAHAN, TUCKER AND WILLMOTT

1 AN ACT

2 To enact R.S. 37:1731.1, relative to limitation of liability; to provide relative to medical
3 services performed during a declared state of emergency; to provide certain
4 limitations of liability; to provide definitions, terms, and conditions; to provide for
5 an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 37:1731.1 is hereby enacted to read as follows:

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

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

17 **B. As used in this Section:**

18 **(1) "Health care services" means any act or treatment performed or**
19 **furnished or which should have been performed or furnished, by a health care**
20 **provider for, to, or on behalf of a person.**

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

3 (3) "During a declared state of emergency" means during the period of
4 time set forth in a declaration of the governor in accordance with R.S. 29:724
5 and shall include the time period as set forth in the declaration and shall also
6 be retroactive to the precipitating event requiring the declaration.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____