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COVID-19: Much-Needed Liability Relief for Louisiana's Restaurant Industry

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At a time when restaurants across Louisiana are struggling financially due to the COVID-19 lockdown, the Louisiana Legislature has provided some much-needed relief from civil liability during its 2020 Regular Session.

On June 1, 2020, the Louisiana Senate passed Senate Bill 508, which was later signed by Governor John Bel Edwards to become Act No. 305 ("Act"). The Act shields restaurant owners, operators, employees, contractors, or agents from civil liability for injury or death due to COVID-19 infection transmitted through the preparation or serving of food and beverage products by a restaurant during COVID-19, so long as the restaurant is in substantial compliance with Governor Edwards's emergency health proclamation (25 JBE 2020) and any related and subsequent health proclamations. The Act defines "restaurant" broadly so as to capture as many food and beverage establishments as possible, defining it as "an establishment which gives or offers for retail sale prepared food to the public within its premises." There are two caveats to be aware of, however:

1. where multiple sources of procedures apply to a restaurant at the alleged time of exposure, the restaurant must have complied with at least one of the applicable procedures in order to be shielded from civil liability, and
2. a restaurant will not be protected from civil liability if the alleged injury or death arises from gross negligence or willful and wanton misconduct.

The Act applies to establishments serving prepared food and beverage products by dine-in, takeout, drive thru, or other delivery means throughout the duration of the COVID-19 emergency. It should be noted that the Act does not in any way compromise or affect an employee's rights and/or remedies under Louisiana Workers' Compensation Law.

The Act is retroactive to March 11, 2020 due to the imminent threat posed by COVID-19 as provided in Proclamation Number 25 JBE 2020 and any subsequent proclamation declaring the existence of a statewide public health emergency.

This law is welcome news for Louisiana restaurants from New Orleans to Lake Charles to Shreveport. With restaurants across the state re-opening and moving into Phase 2, the last thing they need to be worrying about (on top of bringing in revenue and finding eager employees to hire) is whether they will be tagged with a civil lawsuit at some point in the future due to the COVID-19 health crisis. This law will allow them to breathe (somewhat of) a sigh of relief and permit them to focus on what they do best – showing off Louisiana's bountiful natural and agricultural assets through their delicious regional cuisine.

For additional information please contact one of the authors and visit the [Coronavirus \(COVID-19\): Navigating the Path Ahead](#) information page on our website.