



LOUISIANA STATE LAW INSTITUTE

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January 29, 2026

Representative Phillip R. DeVillier
Speaker of the House of Representatives
P.O. Box 94062
Baton Rouge, Louisiana 70804

Senator Cameron Henry
President of the Senate
P.O. Box 94183
Baton Rouge, Louisiana 70804

**RE: HOUSE RESOLUTION NO. 280 AND SENATE RESOLUTION NO. 163 OF THE
2025 REGULAR SESSION**

Dear Mr. Speaker and Mr. President:

The Louisiana State Law Institute respectfully submits its report to the legislature relative to digital products.

Sincerely,

A handwritten signature in blue ink, appearing to read "Guy Holdridge".

Guy Holdridge
Director

GH/pc
Enclosure

cc: Senator Jay Luneau
Representative Laurie Schlegel

email cc: David R. Poynter Legislative Research Library
drplibrary@legis.la.gov

Secretary of State, Ms. Nancy Landry
admin@sos.louisiana.gov

**LOUISIANA STATE LAW INSTITUTE
TORTS AND INSURANCE COMMITTEE**

**REPORT IN RESPONSE TO HOUSE RESOLUTION NO. 280 AND
SENATE RESOLUTION NO. 163 OF THE 2025 REGULAR SESSION**

Relative to digital products

Prepared for the
Louisiana Legislature on

January 29, 2026

Baton Rouge, Louisiana

LOUISIANA STATE LAW INSTITUTE TORTS AND INSURANCE COMMITTEE

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Donald W. Price, Chair
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Thomas C. Galligan, Jr., Reporter

Nick Kunkel, Staff Attorney

2025 Regular Session

HOUSE RESOLUTION NO. 280

BY REPRESENTATIVES SCHLEGEL, CARRIER, DEVILLIER, DICKERSON, DOMANGUE, HORTON, MIKE JOHNSON, OWEN, THOMPSON, VILLIO, WYBLE, AND ZERINGUE

A RESOLUTION

To urge and request the Louisiana State Law Institute to study and make recommendations to the House of Representatives of the Legislature of Louisiana whether to include digital products, and which digital products to include, in the application of the Louisiana Products Liability Act.

WHEREAS, the Louisiana Products Liability Act establishes the exclusive theories of liability for manufacturers for damage caused by their products when those products are unreasonably dangerous and cause injury from a reasonably anticipated use of the product; and

WHEREAS, Act No. 10 of the 2024 Third Extraordinary Session of the Legislature recognizes, defines, and taxes "digital products"; and

WHEREAS, under the Louisiana Products Liability Act, business entities in Louisiana owe a duty to consumers to design or manufacture products that are not unreasonably dangerous; and

WHEREAS, business entities designing, manufacturing and selling digital products in Louisiana should be held to the same safety standards as the designers and manufacturers of other products; and

WHEREAS, in light of the interpretation of 47 U.S.C. 230 in various judicial opinions, including in cases such as *Doe v. MySpace, Inc.*, 528 F.3d 413, 421 (5th Cir. 2008) and *Doe v. Snap Inc.*, No. 22-20543 (5th Cir. 2023) in the United States Court of Appeals for the Fifth Circuit, the legislature has an interest in clarifying the duty of digital products designers and manufacturers to keep Louisiana citizens safe; and

WHEREAS, House Bill No. 102 of the 2025 Regular Session of Louisiana attempted to expand the application of the Louisiana Products Liability Act to digital products to hold these digital products designers and manufacturers accountable; and

WHEREAS, digital products are the products of our time and should be treated like any other product for the protection of citizens and businesses in Louisiana.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study and make recommendations to the House of Representatives of the Legislature of Louisiana on expanding the application of the Louisiana Products Liability Act to digital products.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute and that the Louisiana State Law Institute report its findings and recommendations to the legislature on or before February 1, 2026.

BE IT FURTHER RESOLVED that one print copy and one electronic copy of any report produced pursuant to this Resolution shall be submitted to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

SENATE RESOLUTION NO. 163

BY SENATORS LUNEAU, CARTER AND MILLER

A RESOLUTION

To urge and request the Louisiana State Law Institute to study and make recommendations to the legislature whether to include digital products, and which digital products to include in the application of the Louisiana Products Liability Act.

WHEREAS, the Louisiana Products Liability Act establishes the exclusive theories of liability for manufacturers for damage caused by their products when those products are unreasonably dangerous and cause injury from a reasonably anticipated use of the product; and

WHEREAS, Act No. 10 of the 2024 Third Extraordinary Session of the Legislature recognizes, defines, and taxes "digital products"; and

WHEREAS, under the Louisiana Products Liability Act, business entities in Louisiana have a duty to consumers to design or manufacture products that are not unreasonably dangerous; and

WHEREAS, business entities designing, manufacturing and selling digital products in Louisiana should be held to the same safety standards as the designers and manufacturers of other products; and

WHEREAS, in light of the interpretation of 47 U.S. Code §230 (Section 230) in various judicial opinions, including in cases such as *Doe v. MySpace, Inc.*, 528 F. 3d 413, 421 (5th Cir. 2008) and *Doe v. Snap, Inc.*, No. 22-20543 (5th Cir. 2023) in the United States Court of Appeals for the Fifth Circuit, the legislature has an interest in clarifying the duty of digital product designers and manufacturers to keep Louisiana citizens safe; and

WHEREAS, digital products are the products of our time and should be treated like any other product for the protection of citizens and businesses in Louisiana.

THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study and make recommendations to the legislature on expanding the application of the Louisiana Products Liability Act to digital products.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute and that the Louisiana State Law Institute report its findings and recommendations to the legislature on or before February 1, 2026.

PRESIDENT OF THE SENATE

January 29, 2026

To: Representative Phillip DeVillier
Speaker of the House of Representatives
P.O. Box 94062
Baton Rouge, Louisiana 70804

Senator Cameron Henry
President of the Senate
P.O. Box 94183
Baton Rouge, Louisiana 70804

**REPORT TO THE LEGISLATURE IN RESPONSE TO HOUSE RESOLUTION NO. 280
AND SENATE RESOLUTION NO. 163 OF THE 2025 REGULAR SESSION**

House Resolution No. 280 and Senate Resolution No. 163, both of the 2025 Regular Session, urged and requested the Louisiana State Law Institute to study and make recommendations as to whether to include digital products, and as to which digital products to include, in the application of the Louisiana Products Liability Act (LPLA) and to submit its recommendations to the Legislature. In fulfillment of this request, the Law Institute assigned the project to its Torts and Insurance Committee, which operates under the leadership of Harry J. "Skip" Philips and Donald W. Price as Co-Chairs and Professors William R. Corbett and Thomas C. Galligan as Co-Reporters.

Upon receiving this assignment, the Torts and Insurance Committee met to discuss the project and to receive input from the authors of the resolutions about the impetus for and their objectives in relation to the resolutions. Representative Laurie Schlegel informed the Committee that her goal was primarily to ensure the availability of a cause of action for unreasonable harms caused by "digital products" of the sort that employ artificial intelligence or other algorithms to provide experiences tailored to each unique user. Given the technical nature of the subject matter, the Committee elected to form a Subcommittee to undertake the project. Members of the Subcommittee included Representative Schlegel, Senator Greg Miller, and practitioners with specific expertise in the fields of personal injury and artificial intelligence.

At its initial meeting, the Subcommittee concluded that the LPLA, given its intended application to physical products and its inherent rigidity, was ill-suited as a mechanism for governing the sorts of "products" contemplated by the authors of the resolutions, which are at once incorporeal and inherently opaque. Moreover, given the LPLA's exclusivity as a remedy and its nature as circumscribing a mere subset of negligence, the Subcommittee reasoned that it arguably failed to serve the resolutions' desired ends, even if it were adapted to the sorts of "products" at issue. For these reasons, and further in light of the rapid evolution of artificial intelligence and other algorithmic technologies, the Subcommittee agreed that a more generalized approach was preferable and, accordingly, resolved to draft a Civil Code Article confirming the standard of care owed by developers and others working with and selling these technologies. After the resulting proposal was adopted by both the Subcommittee and the Torts and Insurance Committee, it was presented to and adopted by the Law Institute's Council as reproduced below:

Civil Code Article 2322.2. Software and computer programs

Any person who designs, develops, licenses, manufactures, or sells a computer program or software that provides an interactive or personalized user experience based on user data or information shall owe a duty to exercise reasonable care in the design, development, licensing, manufacture, or sale of the computer program or software.

Revision Comments – 2026

This Article does not foreclose the availability of any other cause of action or theory of liability under this Code or other applicable law, including the Louisiana Products Liability Act, R.S. 9:2800.51 et seq.

The Law Institute plans to submit this proposal to the Legislature for introduction during the 2026 Regular Session.