

2021 Regular Session

HOUSE BILL NO. 498

BY REPRESENTATIVES EDMONSTON, AMEDEE, HODGES, BACALA, CREWS,
EDMONDS, FIRMENT, GAROFALO, HORTON, MCCORMICK, ORGERON,
CHARLES OWEN, ROMERO, SCHAMERHORN, SEABAUGH, AND STAGNI

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

DISCRIMINATION: Prohibits discrimination by government agencies and officials on the
basis of vaccination or immunity status

1 AN ACT

2 To enact R.S. 49:186, relative to discrimination based on vaccination or immunity status;
3 to prohibit state and local government agencies and officials from discriminating
4 between individuals based on such status; to provide for enforcement; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 49:186 is hereby enacted to read as follows:

8 §186. Discrimination based on vaccination or immunity status prohibited

9 A. Except as provided in Subsection C of this Section, no official, governing
10 authority, or agency of the state or of any political subdivision of the state shall, in
11 executing any of its programs, policies, duties, or functions, distinguish between
12 individuals based on whether a person has or has not had a vaccination or whether
13 a person is or is not immune to a virus.

14 B. Actions prohibited by Subsection A of this Section include but are not
15 limited to discrimination based on a person's vaccination or immunity status in any
16 of the following acts:

17 (1) Determination of eligibility for any program or benefit.

18 (2) Issuance of any license, permit, certificate, degree, or any other official
19 permission or recognition.

1 (3) Application of requirements for the initiation, continuation, or resolution
2 of any judicial or administrative proceeding.

3 (4) Allowing participation in any public hearing or other government
4 sponsored event that is open to the public including access to any public building or
5 facility.

6 (5) Application of any financial, procedural, or other burden placed on
7 individuals in connection with a government service, decision, or program.

8 (6) Application of any rule or regulation and any penalty.

9 (7) Discrimination in any government service whatsoever except as provided
10 by Subsection C of this Section.

11 C. The prohibition of Subsection A of this Section does not apply to:

12 (1) The provision of medical services to an individual when the need to
13 determine vaccination or immunity status is medically indicated.

14 (2) Immunization requirements involving schools and education institutions
15 as specifically provided for by law, except that the prohibition of Subsection A of
16 this Section shall apply to vaccines targeting COVID-19 disease or SARS-COV2 or
17 any variant or mutation thereof.

18 D. Any person may commence a suit for the issuance of a writ of mandamus
19 or injunctive or declaratory relief to require compliance with the provisions of this
20 Section, together with reasonable attorney fees and costs.

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 498 Reengrossed

2021 Regular Session

Edmonston

Abstract: Prohibits government personnel and agencies from discriminating against persons based on vaccination or immunity status.

Proposed law prohibits a state or local government official or agency from distinguishing between individuals based on whether a person has or has not had a vaccination or is or is not immune to a virus. Provides examples of discrimination that is prohibited.

Proposed law provides exceptions applicable to providing medical services.

Proposed law provides an exception for present law immunization requirements for students, except for vaccines targeting COVID-19 or SARS-COV2.

Proposed law authorizes any person to commence a suit for the issuance of a writ of mandamus or injunctive or declaratory relief to require compliance with the provisions of proposed law, together with reasonable attorney fees and costs.

(Adds R.S. 49:186)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Add an exception prohibiting government officials or agencies from distinguishing COVID-19 immunization requirements for students.
2. Remove the venue provision.