AN ACT

To enact R.S. 22:36, relative to health insurance coverage for fire employees; to generally prohibit a health insurance issuer from refusing enrollment of retired fire employees based solely on the status of retirement; to prohibit discrimination between active and retired fire employees for purposes of insurance coverage; to provide for applicability; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:36 is hereby enacted to read as follows:

§36. Discrimination prohibited; health insurance coverage; fire employees; applicability

A. A health insurance issuer shall not refuse to accept for enrollment any fire employee formerly employed by a municipality, parish, or fire protection district with which the health insurance issuer maintains a policy of group health insurance coverage, where such fire employee is no longer employed by the municipality, parish, or fire protection district as a result of retirement, and where such fire employee is not yet eligible for Medicare.

B. A health insurance issuer shall not discriminate between an active fire employee and retired fire employee on the basis of an active or retired status.

C.(1) This Section does not require a health insurance issuer to provide coverage for a retired fire employee under circumstances in which an active fire employee could lawfully be denied coverage nor requires a health insurance issuer
to offer terms, rates, or benefits to a retired fire employee that it is not required to
offer to an active fire employee.

(2) Notwithstanding the provisions of this Section, this Section shall not be
construed to require a municipality, parish, or fire protection district to offer health
insurance coverage to early retiree fire employees, nor prohibit a municipality,
parish, or fire protection district from offering health insurance coverage to only
active fire employees, nor prohibit a health insurance issuer from offering coverage
that complies with such eligibility decision of the municipality, parish, or fire
protection district.

D. As used in this Section, the term "fire employee" includes a retired
employee of a fire protection district or of a municipal or parish fire department.