

2022 Regular Session

HOUSE BILL NO. 54

BY REPRESENTATIVES BAGLEY AND FRIEMAN

CRIME/MISDEMEANOR: Creates the crime of discrimination based on vaccination status

1 AN ACT

2 To enact R.S. 14:101.3, relative to discrimination; to create the crime of discrimination
3 based on vaccination status; to provide for a fine; to provide for applicability; and
4 to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:101.3 is hereby enacted to read as follows:

7 §101.3. Discrimination based on vaccination status

8 A.(1) Notwithstanding any provision of law to the contrary, no governmental
9 entity or educational institution shall mandate proof of COVID-19 vaccination for
10 anyone seeking admission on the premises of the entity or institution.

11 (2) The provisions of Paragraph (1) of this Subsection shall not apply to a
12 healthcare provider enrolled in Medicare or Medicaid who is subject to fines or
13 penalties for noncompliance with federal rules and regulations , but only to the extent
14 that such provider is subject to a valid and enforceable Medicare or Medicaid
15 condition of participation that imposes a requirement contrary to this Section.

16 B. Whoever violates the provisions of this Section shall be fined not more
17 than one thousand dollars.

18 C. The provisions of this Section shall be enforced by summons in lieu of
19 arrest in accordance with Code of Criminal Procedure Article 212.

- 1 D. No employer of a governmental entity or educational institution shall
 2 discharge any employee or otherwise discriminate against any employee with respect
 3 to his compensation, terms, conditions, or privileges of employment because of his
 4 refusal to adhere to a vaccine requirement.

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 54 Reengrossed

2022 Regular Session

Bagley

Abstract: Creates the crime of discrimination based on vaccination status and provides penalties.

Proposed law creates the crime of discrimination based on vaccination status which prohibits banning entry onto the premises of a governmental entity or educational institution based on vaccination status.

Proposed law provides for a fine of not more than \$1,000.

Proposed law provides that the provisions of proposed law shall be enforced by summons in lieu of arrest in accordance with present law (C.Cr.P. Art. 212).

Proposed law provides that no employer of a governmental entity or educational institution shall discharge any employee or otherwise discriminate against any employee with respect to his compensation, terms, conditions, or privileges of employment because of his refusal to adhere to a vaccine requirement.

(Adds R.S. 14:101.3)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.
2. Remove the penalty of imprisonment.
3. Provide for enforcement by a summons in lieu of arrest.
4. Prohibit only governmental entities or educational institutions from requiring proof of a COVID-19 vaccination for anyone seeking admission on the premises of the entity or institution.
5. Establish an exemption for healthcare providers enrolled in Medicare or Medicaid who are subject to fines or penalties for noncompliance with federal rules and regulations.

The House Floor Amendments to the engrossed bill:

1. Prohibit an employer of a governmental entity or educational institution from discharging or discriminating against any employee based on his refusal to adhere to a vaccine requirement.