
DIGEST

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HB 253 Engrossed

2022 Regular Session

Edmonston

Abstract: Prohibits discrimination on the grounds of a person's immunity status or vaccination status in all contexts in which discrimination is prohibited in present law.

Present law (R.S. 9:3583) provides that it shall be unlawful for any extender of credit to refuse to extend credit to any major or emancipated minor solely because of that person's race, color, religion, national origin, sex, or marital status.

Present law (R.S. 17:7) provides that the award criteria established by the State Board of Elementary and Secondary Education (BESE) for an annual math, science, and speech and debate competition financial assistance awards program for eligible teams and individuals from public and board-approved nonpublic secondary schools representing the state of La. at regional or national competitions shall not discriminate against any student on the basis of race, sex, religious belief, or school attendance at an approved nonpublic school.

Present law (R.S. 17:46 and 1187) provides that a waiver of provisions related to the granting of sabbatical leave shall not favor or discriminate against any employee or applicant because of his job description, age, race, or sex.

Present law (R.S. 17:100.5) provides that students selected for enrollment in alternative schools from an eligibility list shall be selected from volunteers, provided that there shall be no racial, sexual, or ethnic discrimination in either the compilation of the eligibility list or in the operation of the school.

Present law (R.S. 17:111) provides that no person shall be refused admission into or be excluded from any public school in this state on account of race, creed, color, disability, or national origin.

Present law (R.S. 17:158) provides that each city, parish, and other local public school board shall provide free transportation for any student attending a school of suitable grade approved by BESE within the jurisdictional boundaries of the local board if the student resides more than one mile from such school. Such provision shall not apply to any student or the parent or tutor of any student who attends a school which discriminates on the basis of race, creed, color, or national origin.

Present law (R.S. 17:407.40) requires BESE to promulgate regulations for early learning center licensing which shall prohibit discrimination on the basis of race, color, creed, sex, national origin, handicap, ancestry, or whether the child is being breastfed.

Present law (R.S. 22:1063) provides a group health plan, and a health insurance issuer offering group

health insurance coverage in connection with a group health plan, may not establish rules for eligibility of any individual to enroll under the terms of the plan based on various health status-related factors in relation to the individual or a dependent of the individual.

Present law (R.S. 22:1128) requires the commissioner of insurance to ensure that essential health benefit coverage decisions, determination of reimbursement rates, establishment of incentive programs, and designation of benefits are effected in ways that do not discriminate against individuals because of age, disability, or life expectancy.

Present law (R.S. 22:1206) prohibits risk rates of the La. Health Plan from discriminating between covered individuals on the basis of health-related factors.

Present law (R.S. 22:1452 and 1454) prohibits insurance rates for property and casualty insurance to be classified on the basis of race, color, creed, or national origin.

Present law (R.S. 23:332) prohibits intentional discrimination in employment on the basis of an individual's race, color, religion, sex, or national origin.

Present law (R.S. 37:1025) prohibits discrimination in selection of medication attendants to participate in drug administration courses established by the La. Dept. of Health for reason of race, color, creed, religion, disability, or national origin.

Present law (R.S. 37:1360.23) requires the La. State Board of Medical Examiners to ensure that applicants for the program for the education and training of physician assistants shall not be discriminated against due to race, color, creed, age, sex, disability, or national origin.

Present law (R.S. 37:1360.82) prohibits direct primary care practices from declining to accept any person solely on account of race, religion, national origin, the presence of any sensory, mental, or physical disability, education, or economic status.

Present law (R.S. 37:2719) provides that no license, certificate, or registration shall be denied any applicant to the La. State Board of Social Work Examiners based upon the applicant's race, religion, creed, national origin, sex, or physical impairment so long as the physical impairment does not interfere with the performance of professional duties.

Present law (R.S. 38:2315) provides that the selection of persons for professional services in public contracts shall not discriminate against any person because of race, religion, national ancestry, age, sex, or physical condition.

Present law (R.S. 39:1411) provides that no person in this state shall, on the ground of race, color, religion, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving state financial assistance.

Present law (R.S. 40:1133.1) provides that the La. Dept. of Health, bureau of emergency medical services shall affirmatively provide that there is no discrimination toward any individual in the

licensure process for emergency medical personnel on the basis of race, religion, creed, national origin, sex, or age.

Present law (R.S. 40:2113.4) provides that any general hospital licensed by the La. Dept. of Health, which is owned or operated, or both, by a hospital service district, which benefits from being financed by the sale of bonds that are exempt from taxation as provided by La. law, or which receives any other type of financial assistance from the state and which offers emergency room services to the public and is actually offering such services at the time, shall provide emergency services free from unreasonable discrimination based on age, sex, or physical condition and economic status.

Present law (R.S. 40:2113.6) provides that a person needing emergency services shall not be subjected by an officer, employee, or member of the medical staff of a hospital licensed by the La. Dept. of Health to arbitrary, capricious, or unreasonable discrimination based on age, sex, physical condition, or economic status.

Present law (R.S. 40:2120.35) requires the La. Dept. of Health to promulgate minimum standards for adult brain injury facilities that prohibit discrimination by brain injury facilities on the basis of race, color, creed, sex, disability, national origin, or ancestry.

Present law (R.S. 40:2125) provides that assistance to exceptional children funded by the La. Dept. of Health shall not be provided where an institution or provider discriminates against those seeking services on the basis of race, color, creed, disability, or national origin.

Present law (R.S. 46:437.11) requires medical assistance programs that receive payments from the La. Dept. of Health to agree that no person shall be subjected to discrimination under the medical assistance program because of race, creed, ethnic origin, sex, age or physical condition.

Present law (R.S. 46:1104, 1134, and 1154) requires the board of commissioners of each parish hospital or hospital service district to provide an affirmative action program for the selection of recipients of medical, nursing, and allied health professionals scholarships which shall include that no discrimination occur on the basis of race, creed, sex, age, or ethnic origin.

Present law (R.S. 46:1407) prohibits discrimination by child-placing agencies, maternity homes, or residential homes providing full-time care to four or more children on the basis of race, color, sex, national origin, disability, ancestry, or whether the child is being breastfed.

Present law (R.S. 46:1995) provides that no citizen of La. shall on the ground of sex, age, race, color, religion, or national origin be excluded from participating in, or be denied the benefits of, or be subject to discrimination under any activity or multipurpose service program for displaced homemakers funded by the state.

Present law (R.S. 47:37 and 287.755) provides an income tax credit for donations, contributions, or sales below cost of tangible movable property made to educational institutions in this state. Further provides the credit shall not be allowed if the taxpayer arbitrarily, capriciously, or unreasonably

discriminates against any person because of race, religion, ideas, beliefs, or affiliations.

Present law (R.S. 49:145) provides that no person shall be denied access to any public meeting in any public building or facility owned by the state because of race, color, creed, or physical or mental disability.

Present law (R.S. 49:146) provides that in access to public areas, public accommodations, and public facilities, every person shall be free from unreasonable discrimination based on age, sex, or physical or mental disability.

Present law (R.S. 49:673) provides that executive agencies that receive federal block grant funds shall prepare a plan for the expenditure of the funds which prohibits discrimination on the basis of race, sex, religion, and age and ensures respect for the civil rights of program recipients.

Present law (R.S. 51:2231, et seq.) establishes the La. Commission on Human Rights ("the commission") to assure that La. has appropriate legislation prohibiting discrimination in public accommodations sufficient to safeguard all individuals within the state from discrimination because of race, creed, color, religion, sex, age, disability, or national origin in connection with employment and in connection with public accommodations.

Present law (R.S. 51:2232) defines "discriminatory practice in connection with public accommodations" as any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, creed, color, religion, sex, age, disability, or national origin.

Present law (R.S. 51:2235) authorizes the commission to create advisory committees to study and report on problems of discrimination because of race, creed, color, religion, sex, age, disability, or national origin.

Present law (R.S. 51:2236) authorizes parishes and municipalities to adopt and enforce ordinances, orders, and resolutions prohibiting all forms of discrimination, including discrimination on the basis of race, creed, color, religion, national origin, sex, disability, or age and to prescribe penalties for violations thereof.

Present law (R.S. 51:2237) authorizes parishes and municipalities to create local human rights commissions to safeguard all individuals within its jurisdiction from discrimination because of race, creed, color, religion, national origin, sex, disability, or age.

Present law (R.S. 51:2247) provides it is a discriminatory practice for a person to deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation, resort, or amusement on the grounds of race, creed, color, religion, sex, age, disability, or national origin.

Present law (R.S. 51:2248) makes it unlawful to advertise that goods, services, facilities, privileges,

advantages, or accommodations of a place of public accommodation, resort, or amusement shall be refused, withheld from, or denied an individual on account of his race, color, religion, disability, or national origin, or that the patronage of or presence of an individual is objectionable, unwelcome, unacceptable, or undesirable on those same grounds.

Present law (R.S. 51:2254) prohibits financial institutions from discriminating against an individual because of their race, creed, color, religion, national origin, sex, disability, or age in the granting, withholding, extending, modifying, or renewing of rates, terms, conditions, privileges, or other provisions of financial assistance.

Present law prohibits financial institutions from using a form of application for financial assistance which indicates a limitation, specification, or discrimination as to race, creed, color, religion, disability, or national origin.

Present law (R.S. 51:2255) makes it unlawful for any person to take certain actions in respect to credit transactions because of a person's race, creed, color, religion, national origin, disability, or sex.

Present law (R.S. 51:2608) prohibits discrimination in the provision of real estate brokerage services on the basis of race, color, religion, sex, familial status, or national origin.

Proposed law further prohibits or otherwise provides for discrimination in each context provided by present law on the basis of a person's vaccination status or immunity status.

Proposed law defines "vaccination status" as a person's status with respect to having been vaccinated.

Proposed law defines "immunity status" as whether or not a person has immunity to an infection or disease.

(Amends R.S. 9:3583, R.S. 17:7(20)(b)(ix), 46(Q), 100.5(C)(2), 111(A), 158(F), 407.40(A)(5), and 1187(B), R.S. 22:1128(D)(2), 1206(7)(a)(i) and (ii), 1452(C)(25), and 1454(A), R.S. 23:332, R.S. 37:1025(B), 1360.23(H), 1360.82, and 2719, R.S. 38:2315, R.S. 39:1411, R.S. 40:1133.1(C), 2113.4(A), 2113.6(A)(1) and (B), 2120.35(B)(5), and 2125(B), R.S. 46:437.11(A), 1104, 1134, 1154, 1407(F), and 1995, R.S. 47:37(C) and 287.755(C), R.S. 49:145, 146(A)(1), and 673, and R.S. 51:2231(A), 2232(5), 2235(16)(a), 2236(A), 2237(2), 2247, 2248, 2254(1) and (2), 2255(A)(intro. para.), and 2608; Adds R.S. 22:1063(A)(1)(i), R.S. 23:302(9) and (10), R.S. 40:2102(5) and (6), and R.S. 51:2232(11) and (12) and 2603(13) and (14))

Summary of Amendments Adopted by House

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

1. Remove provisions regarding discrimination in the sale or rental of housing and in residential real estate related transactions.