
DIGEST

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HB 190 Original

2023 Regular Session

Hollis

Abstract: Modifies relative to a health insurance issuer and its application as an employee benefit plan under the federal Employee Retirement Income Security Act of 1974 (ERISA).

Present law provides for the La. Insurance Code (Title 22 of the La. Revised Statutes of 1950).

Present law applies varying definitions of "health insurance issuer" within the La. Insurance Code. Further provides that a health insurance issuer does not include an entity preempted as an employee benefit plan under ERISA.

Proposed law (R.S. 22:470) deletes certain present law references to non-inclusion of health insurance issuers preempted as employee benefit plans under ERISA. Further specifies that the La. Insurance Code applies to an employee benefit plan only to the extent that such plan is not preempted by ERISA.

Proposed law provides that if any provision of the La. Insurance Code is preempted by ERISA through a final, definitive decision by a court of competent jurisdiction, or if the commissioner of insurance determines application of a provision of the La. Insurance Code to an employee benefit plan is reasonably likely to be preempted by ERISA, the validity of the remainder of the La. Insurance Code and the Code's applicability to any other entity, person, or circumstance will not be affected.

(Amends R.S. 22:1044(A)(intro. para.) and (4), 1060.1(intro. para.) and (6), 1061(2)(b), 1221(intro. para.) and (3), 1831(intro. para.) and (14), and 1852(intro. para.) and (7); Adds R.S. 22:470)