

2026 Regular Session

HOUSE BILL NO. 301

BY REPRESENTATIVE WYBLE

LABOR: Creates the Independent Contractor Voluntary Portable Benefits Act

1 AN ACT

2 To enact Chapter 11-B of Title 23 of the Louisiana Revised Statutes of 1950, to be  
3 comprised of R.S. 23:1821 through 1823, relative to voluntary portable benefits for  
4 independent contractors; to provide a short title; to provide definitions; to provide  
5 for contributions to a portable benefit account; to allow certain persons or entities to  
6 contribute funds to a portable benefit account; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Chapter 11-B of Title 23 of the Louisiana Revised Statutes of 1950,  
9 comprised of R.S. 23:1821 through 1823, is hereby enacted to read as follows:

10 CHAPTER 11-B. INDEPENDENT CONTRACTOR VOLUNTARY  
11 PORTABLE BENEFITS

12 §1821. Short title

13 This Chapter shall be known and may be cited as the "Independent Contractor  
14 Voluntary Portable Benefits Act".

15 §1822. Definitions

16 For the purpose of this Chapter, the following terms have the meanings  
17 ascribed to them:

18 (1) "Bank" means a banking corporation or trust company entitled to operate  
19 within this state as provided in Title 6 of the Louisiana Revised Statutes of 1950.

1           (2) "Hiring party" means a person or entity that hires or enters into a contract  
2           for the performance of work with an independent contractor who meets the  
3           rebuttable presumption standard established in R.S. 23:1711.1.

4           (3) "Portable benefit account" means an account owned by an independent  
5           contractor that is assigned to an individual beneficiary and is not associated with a  
6           specific employer or hiring party. The account shall be administered by a portable  
7           benefit account provider, as defined in this Section, for the purpose of funding the  
8           purchase of one or more benefit plans, including but not limited to plans that provide  
9           any of the following:

10           (a) Health insurance.

11           (b) Income replacement insurance.

12           (c) Disability pay insurance.

13           (d) Life insurance.

14           (e) Retirement benefits.

15           (4) "Portable benefit account provider" means the administrator of a portable  
16           benefit account and includes any of the following:

17           (a) A bank.

18           (b) An investment management firm.

19           (c) A technology provider or program manager that offers services through  
20           a bank or investment management firm.

21           §1823. Contributions of funds to portable benefit accounts

22           A. Any person or entity, including an internet or application-based entity,  
23           may contribute funds to one or more portable benefit accounts.

24           B. A contribution to a portable benefit account may be made using the funds  
25           of the hiring party or a percentage of funds withheld from compensation owed to an  
26           independent contractor if all of the following occur:

27           (1) The withholding of compensation is expressly agreed to in writing by  
28           both parties.

1           (2) The written agreement is clear, unambiguous, and prominently displayed  
2           either in a services agreement or other contract between the independent contractor  
3           and the hiring party or in a separate notice.

4           (3) The withholding of compensation is voluntary and requires an  
5           independent contractor to opt in.

6           (4) The independent contractor is allowed to opt out of the agreement at any  
7           time.

8           C. Contributions to a portable benefit account are voluntary and shall not be  
9           used as criterion for determining an individual's employment classification. Such  
10           contributions are not evidence of employer liability, and a court shall not construe  
11           them as an element of an employment relationship for any purpose pursuant to the  
12           Louisiana Workers' Compensation Law or Louisiana Employment Security Law.

#### 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 301 Engrossed

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Wyble

**Abstract:** Creates the Independent Contractor Voluntary Portable Benefits Act, which allows certain entities to administer portable benefit accounts for the purpose of holding contributions for independent contractors to purchase certain employment-related benefits.

Proposed law defines "bank", "hiring party", "portable benefit account", and "portable benefit account provider".

Proposed law allows any person or entity, including an internet or application-based entity, to contribute funds to one or more portable benefit accounts.

Proposed law allows a contribution to a portable benefit account to be made utilizing the hiring party's funds or a percentage of an independent contractor's wages if all of the following occur:

- (1) The withholding of compensation is expressly agreed to in writing by both parties.
- (2) The written agreement is clear, unambiguous, and prominently displayed either in a services agreement or other contract between the independent contractor and the hiring party or in a separate notice.
- (3) The withholding of compensation is voluntary and requires an independent contractor to opt in.
- (4) The independent contractor is allowed to opt out of the agreement at any time.

Proposed law provides that all contributions to a portable benefit account are voluntary and shall not be used as a criterion for determining an individual's employment classification.

Proposed law prohibits inferring contributions as evidence of an employer's liability and prohibits a court from construing contributions as an element of an employment relationship for any purpose under state workers' compensation and employment security laws.

(Adds R.S. 23:1821-1823)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Labor and Industrial Relations to the original bill:

1. Make a technical change.