

SENATE BILL NO. 426

BY SENATORS BARROW AND CARTER AND REPRESENTATIVES BRASS, BRYANT, GARY CARTER, WILFORD CARTER, COX, DUPLESSIS, FREEMAN, GREEN, HUGHES, JAMES, JEFFERSON, TRAVIS JOHNSON, JORDAN, LARVADAIN, LYONS, MARCELLE, DUSTIN MILLER, MOORE, NEWELL, PIERRE, SELDERS, THOMPSON AND WILLARD

1 AN ACT

2 To enact R.S. 22:1057, relative to insurance coverage for COVID-19; to require coverage
3 for certain tests and treatments for COVID-19; to prohibit application of cost-sharing
4 provisions; to define key terms; to provide for an effective date; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:1057 is hereby enacted to read as follows:

8 **§1057. Coverage for COVID-19 tests and treatments**

9 **A. No health coverage plan delivered or issued for delivery in this state**
10 **shall deny coverage for COVID-19 diagnostic tests, antibody tests, and antiviral**
11 **drugs when ordered by a physician for the purpose of making clinical decisions**
12 **or treating a patient suspected of having COVID-19.**

13 **B. Any health coverage plan delivered or issued for delivery in this state**
14 **shall include coverage for COVID-19 diagnostic tests, antibody tests, and**
15 **antiviral drugs in accordance with this Section.**

16 **C. The coverage required in this Section shall not be subject to annual**
17 **deductibles, coinsurance, copayment, or any other out-of-pocket or cost-sharing**
18 **expense provisions until December 31, 2021. After December 31, 2021, these**
19 **services may be subject to these cost-sharing requirements.**

20 **D. For purposes of this Section, the following definitions apply:**

21 **(1) "COVID-19" means the coronavirus disease 2019 as designated by**
22 **the World Health Organization.**

1 (2) "COVID-19 diagnostic test" or "diagnosis test" means a test that is
2 fully approved or granted an Emergency Use Authorization by the United
3 States Food and Drug Administration (FDA) and is ordered by a physician for
4 the purpose of diagnosing an active infection or determining recovery from an
5 active infection. "COVID-19 diagnostic test" or "diagnosis test" shall not
6 include a test used for employment-related or public health surveillance testing.

7 (3)(a) "COVID-19 antibody test" means a test that meets all of the
8 following requirements:

9 (i) Is fully approved or granted an Emergency Use Authorization by the
10 FDA.

11 (ii) Follows the Enzyme-Linked Immunosorbent Assay (ELISA) test
12 methodology performed in highly complex clinical laboratories and includes an
13 antibody titer.

14 (iii) Is ordered by a physician for the purpose of determining the
15 likelihood of a previous infection.

16 (b) "COVID-19 antibody test" shall not include a test used for
17 employment-related or public health surveillance testing.

18 (4) "COVID-19 antiviral drug or agent" is a medication that is fully
19 approved or granted an Emergency Use Authorization by the FDA for the
20 treatment or prevention of COVID-19 infections when ordered by a physician.

21 (5) "Health coverage plan" means any hospital, health, or medical
22 expense insurance policy, hospital or medical service contract, employee welfare
23 benefit plan, contract, or other agreement with a health maintenance
24 organization or a preferred provider organization, health and accident
25 insurance policy, or any other insurance contract of this type in this state,
26 including a group insurance plan, a self-insurance plan, and the Office of Group
27 Benefits programs. "Health coverage plan" shall not include a plan providing
28 coverage for excepted benefits as defined in R.S. 22:1061, limited benefit health
29 insurance plans, high deductible health plans authorized under federal law, and
30 short-term policies that have a term of less than twelve months.

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____