

2020 Second Extraordinary Session

HOUSE BILL NO. 87

BY REPRESENTATIVE BROWN

INSURANCE: Provides relative to emergency powers of the commissioner of insurance
(Items #2, 28, and 29)

1 AN ACT

2 To enact R.S. 22:11(C), relative to rules and regulations by the commissioner of insurance;
3 to authorize the commissioner to issue emergency rules related to insurance policies
4 or contracts during a state of emergency or public health emergency; to provide for
5 limitations; to provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:11(C) is hereby enacted to read as follows:

8 §11. Rules and regulations by commissioner

9 * * *

10 C.(1) When the governor declares a state of emergency pursuant to R.S.
11 29:724 or a public health emergency pursuant to R.S. 29:766, the commissioner may
12 issue emergency rules or regulations to address any of the following related to
13 insurance policies or health maintenance organization contracts in this state:

14 (a) Requirements for the reporting of claims data.

15 (b) Grace periods for payment of premiums and performance of other
16 obligations by insurers or insureds.

17 (c) Temporary postponement of cancellation or nonrenewal.

18 (d) Medical coverage to ensure access to care.

19 (2) An action pursuant to Paragraph (1) of this Subsection shall specify all
20 the following:

1 (a) The kinds of insurance, as defined in R.S. 22:47.

2 (b) The geographic areas to which the emergency rule or regulation applies,
3 which may be less extensive but shall not be more extensive than the geographic
4 areas in the governor's emergency declaration.

5 (c) The effective date of the emergency rule or regulation shall not exceed the
6 period of the governor's emergency declaration including any extension or earlier
7 termination of the state of emergency.

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

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 87 Original 2020 Second Extraordinary Session Brown

Abstract: Authorizes emergency powers of the commissioner of insurance during a state of emergency or public health emergency declared by the governor.

Proposed law authorizes the commissioner of insurance to issue emergency rules or regulations to address reporting requirements, grace periods, obligations, cancellations or renewals, and medical coverage with respect to insurance policies or health maintenance organization contracts during a declared state of emergency or public health emergency.

Proposed law requires the rules or regulations to specify the kinds of insurance (R.S. 22:47) and the geographic areas to which the emergency rule or regulation applies. Proposed law further provides that the effective date of the emergency rule or regulation cannot exceed the period of the governor's emergency declaration.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 22:11(C))