

2021 Regular Session

SENATE BILL NO. 29

BY SENATOR ABRAHAM

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

INSURANCE COMMISSIONER. Authorizes the commissioner of insurance to take certain actions relative to insurance during a declared emergency. (8/1/21)

1 AN ACT

2 To enact R.S. 22:11(C), relative to the commissioner of insurance; to authorize the

3 commissioner to take certain emergency actions related to insurance; to provide for

4 limitations on these emergency actions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

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

7 §11. Rules and regulations by commissioner

8 * * *

9 **C.(1) When the governor declares a state of emergency pursuant to R.S.**

10 **29:724 or a public health emergency pursuant to R.S. 29:766, the commissioner**

11 **may issue emergency rules or regulations that address any of the following**

12 **related to insurance policies or health maintenance organization contracts in**

13 **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.**

1 **(d) Medical coverage to ensure access to care.**

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

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

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

8 **(c) The effective dates of the emergency rule or regulation shall not**
9 **exceed the period of the governor's emergency declaration including any**
10 **extensions or an earlier termination of the state of emergency.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Thomas L. Tyler.

DIGEST

SB 29 Original

2021 Regular Session

Abraham

Present law authorizes the commissioner of insurance to promulgate rules and regulations necessary to implement the provisions of the Louisiana Insurance Code.

Proposed law authorizes the commissioner to issue certain emergency rules and regulations whenever the governor declares a state of emergency or a public health emergency.

Proposed law provides that the rules and regulations may address any of the following items related to insurance policies or health maintenance organization contracts in the state:

- (1) Requirements for the reporting of claims data.
- (2) Grace periods for payment of premiums and performance of other obligations by insurers or insureds.
- (3) Temporary postponement of cancellation or nonrenewal.
- (4) Medical coverage to ensure access to care.

Proposed law requires that the commissioner's action specify the kinds of insurance affected, the geographic areas to which the rule or regulation applies which may be less extensive but not more extensive than the geographic area in the governor's declaration, and the effective dates of the emergency rule or regulation are not to exceed the period of the governor's emergency declaration, including any extension or an earlier termination of the state or emergency.

Effective August 1, 2021.

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