

2021 Regular Session

HOUSE BILL NO. 498

BY REPRESENTATIVES EDMONSTON, AMEDEE, BACALA, CREWS, EDMONDS,
FIRMMENT, GAROFALO, HODGES, HORTON, MCCORMICK, ORGERON,
CHARLES OWEN, ROMERO, SCHAMERHORN, AND SEABAUGH

1 AN ACT

2 To enact R.S. 49:186, relative to discrimination based on vaccination or immunity status;
3 to prohibit state and local government agencies and officials from discriminating
4 between individuals based on such status; to provide for enforcement; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 49:186 is hereby enacted to read as follows:

8 §186. Discrimination based on vaccination or immunity status prohibited

9 A. Except as provided in Subsection C of this Section, no official, governing
10 authority, or agency of the state or of any political subdivision of the state shall, in
11 executing any of its programs, policies, duties, or functions, distinguish between
12 individuals based on whether a person has or has not received a vaccine targeting
13 COVID-19 disease or SARS-COV2 or any variant or mutation thereof until the date
14 that the application for use of such a vaccine has been approved by the secretary of
15 the United States Food and Drug Administration and the Emergency Use
16 Authorization for such a vaccine is no longer effective.

1 B. Actions prohibited by Subsection A of this Section include but are not
2 limited to discrimination based on a person's vaccination or immunity status in any
3 of the following acts:

4 (1) Determination of eligibility for any program or benefit.

5 (2) Issuance of any license, permit, certificate, degree, or any other official
6 permission or recognition.

7 (3) Application of requirements for the initiation, continuation, or resolution
8 of any judicial or administrative proceeding.

9 (4) Allowing participation in any public hearing or other government
10 sponsored event that is open to the public including access to any public building or
11 facility.

12 (5) Application of any financial, procedural, or other burden placed on
13 individuals in connection with a government service, decision, or program.

14 (6) Application of any rule or regulation and any penalty.

15 (7) Discrimination in any government service whatsoever except as provided
16 by Subsection C of this Section.

17 C. The prohibition of Subsection A of this Section does not apply to:

18 (1) The provision of medical services in a licensed healthcare facility.

19 (2) Immunization requirements involving schools and education institutions
20 as specifically provided for by law, except that the prohibition of Subsection A of
21 this Section shall apply to vaccines targeting COVID-19 disease or SARS-COV2 or
22 any variant or mutation thereof, until the date that the application for use of such a
23 vaccine has been approved by the secretary of the United States Food and Drug
24 Administration and the Emergency Use Authorization for such a vaccine is no longer
25 effective.

1 D. Any person may commence a suit for the issuance of a writ of mandamus
2 or injunctive or declaratory relief to require compliance with the provisions of this
3 Section, together with reasonable attorney fees and costs.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____