

2022 Regular Session

SENATE BILL NO. 164

BY SENATOR TALBOT

HEALTH/ACC INSURANCE. Provides relative to unfair discrimination in group health insurance against retired fire employees. (1/1/23)

1 AN ACT

2 To enact R.S. 22:36 to unfair discrimination in group health insurance against retired fire  
3 employees; to provide for the acceptance of non-Medicare eligible fire employees;  
4 to provide for no discrimination between active and retired fire employees; and to  
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:36 is hereby enacted to read as follows:

8 **§36. Discrimination; fire employees**

9 **A. No health insurance issuer shall refuse to accept for enrollment any**  
10 **fire employee formerly employed by a municipality, parish, or fire protection**  
11 **district, if the health insurance issuer maintains a policy of group health**  
12 **insurance coverage where the fire employee is no longer employed by the**  
13 **municipality, parish, or fire protection district as a result of retirement and the**  
14 **fire employee is not yet eligible for Medicare.**

15 **B. No health insurance issuer shall discriminate between an active fire**  
16 **employee and a retired fire employee on the basis of their active or retired**  
17 **status.**

1                    **C. This Section shall not require coverage of a retired fire employee**  
2                    **under circumstances in which an active fire employee could lawfully be denied**  
3                    **coverage, nor shall this Section require a health insurance issuer to offer terms,**  
4                    **rates, or benefits to a retired fire employee that a health insurance issuer is not**  
5                    **required by law to offer to an active fire employee.**

6                    Section 2. This Act shall become effective on January 1, 2023.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Beth O'Quin.

	DIGEST	
SB 164 Original	2022 Regular Session	Talbot

Proposed law provides health insurance issuers cannot refuse to accept enrollment of a fire employee formerly employed by a municipality, parish, or fire protection district if the health insurance issuer maintains a policy of group health insurance coverage in the location where the fire employee is no longer employed by the municipality, parish, or fire protection district as a result of the fire employee retiring and not yet eligible for Medicare.

Proposed law provides health insurance issuers cannot discriminate between an active fire employee and a retired fire employee on the basis of their active or retired status.

Proposed law provides that proposed law cannot require a health insurance issuer provide coverage for a retired fire employee under circumstances in which an active fire employee could lawfully be denied coverage, and cannot be interpreted to require a health insurance issuer offer terms, rates, or benefits to a retired fire employee that the health insurance issuer is not, by law, required to offer an active fire employee.

Effective January 1, 2023.

(Adds R.S. 22:36)