

2022 Regular Session

HOUSE BILL NO. 928

BY REPRESENTATIVE ECHOLS

EMPLOYMENT: Prohibits unlawful employment practices based upon a medical or physical condition, immunity status, or vaccination status

1 AN ACT

2 To enact R.S. 23:333, relative to employment; to prohibit unlawful employment practices
3 based upon a medical or physical condition, immunity status, or vaccination status;
4 to allow for recovery under workers' compensation; to provide for definitions; to
5 provide for enforcement; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:333 is hereby enacted to read as follows:

8 §333. Unlawful practice by employers prohibited; medical or physical condition;
9 vaccination or immunity status; definitions

10 A. For the purposes of this Section, the following terms have the meanings
11 ascribed to them:

12 (1) "Immunity" means protection from diseases, especially from infectious
13 diseases.

14 (2) "Medical treatment" means the management and preventative care of a
15 patient to combat a disorder or disease and the use of a therapeutic, procedure,
16 medical device, or vaccine designed to maintain or manage a patient's current
17 physical or mental condition.

18 (3) "Vaccine" means a substance used to stimulate the production of
19 antibodies and provide immunity against one or several diseases, prepared from the

1 causative agent of the disease, its products, or a synthetic substitute, treated to act as
2 an antigen without inducing the disease.

3 B. It shall be an unlawful employment practice for an employer to engage
4 in any of the following practices:

5 (1) To discharge any employee or otherwise to discriminate against any
6 employee with respect to his compensation, terms, conditions, or privileges of
7 employment because of the employee's medical or physical condition, immunity
8 status, or vaccination status.

9 (2) To limit, segregate, or classify an employee for employment in any way
10 which would deprive or tend to deprive the employee of employment opportunities
11 or otherwise adversely affect his status as an employee because of his medical or
12 physical condition, immunity status, or vaccination status.

13 (3) To fail or refuse to provide an employee with an exemption of personal
14 written dissent, written statement from his physician stating the medical
15 contraindication, or satisfactory evidence of immunity to or immunization against
16 a vaccine-preventable disease for any medical treatment, therapeutic, or vaccination
17 required by the employer, excluding a pre-employment drug screening or physical
18 and a routine employment drug screening or physical.

19 C. Any employer violating the provisions of this Section shall be liable for
20 any adverse reaction, injury, disability, or death that may occur in an employee who
21 receives a forced medical treatment including a vaccine, and it shall be presumed,
22 in the absence of any substantial evidence to the contrary, that such adverse reaction,
23 injury, disability, or death arose in the course of the employment.

24 D. The Louisiana Workforce Commission may conduct investigations and
25 is authorized and directed to promulgate rules and regulations in accordance with the
26 Administrative Procedure Act, R.S. 49:950 et seq., necessary for the implementation
27 of the provisions of this Section.

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 928 Original

2022 Regular Session

Echols

Abstract: Prohibits unlawful employment practices by an employer based upon a medical or physical condition, immunity status, or vaccination status.

Proposed law provides definitions for immunity, medical treatment, and vaccine.

Proposed law provides that it shall be an unlawful employment practice for an employer to engage in any of the following:

- (1) To discharge any employee or otherwise to discriminate against any employee with respect to his compensation, terms, conditions, or privileges of employment because of the employee's medical or physical condition, immunity status, or vaccination status.
- (2) To limit, segregate, or classify an employee for employment in any way which would deprive or tend to deprive the employee of employment opportunities or otherwise adversely affect his status as an employee, because of his medical or physical condition, immunity status, or vaccination status.
- (3) To fail or refuse to provide an employee with an exemption of personal written dissent, written statement from his physician claiming a medical exemption, or satisfactory evidence of immunity to or immunization against a vaccine-preventable disease for any medical treatment, therapeutic, or vaccination required by the employer, excluding a pre-employment drug screening or physical and a routine employment drug screening or physical.

Proposed law provides that any employer in violation of proposed law shall be liable for any adverse reaction, injury, disability, or death that may occur in an employee who received a forced medical treatment including a vaccine. Proposed law further provides that in the absence of any substantial evidence to the contrary, it is presumed that the adverse reaction, injury, disability, or death arose in the course of employment.

Proposed law provides that the La. Workforce Commission may conduct investigations and is authorized and directed to promulgate rules and regulations necessary for implementation of proposed law.

(Adds R.S. 23:333)