

2022 Regular Session

HOUSE BILL NO. 353

BY REPRESENTATIVE ROMERO

EMPLOYMENT: Provides for vaccine requirements in the workplace

1 AN ACT

2 To enact Part III of Chapter 3 of Title 23 of the Louisiana Revised Statutes of 1950, to be  
3 comprised of R.S. 23:271 and 272, relative to employment; to provide for COVID-  
4 19 vaccine requirements; to provide for a waiver; to provide the means for an  
5 employee to be tested; to provide for vaccine requirements; to provide for written  
6 documentation against vaccine requirements; to provide for exemptions provided for  
7 in federal laws and regulations; to provide for reasonable accommodations; to  
8 provide for unlawful employment practices; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Part III of Chapter 3 of Title 23 of the Louisiana Revised Statutes of 1950,  
11 comprised of R.S. 23:271 and 272, is hereby enacted to read as follows:

12 PART III. VACCINATIONS IN THE WORKPLACE

13 §271. Vaccine requirements in the workplace; COVID-19; exemption

14 A. If an employer who enforces a COVID-19 vaccine requirement waives  
15 the requirement for an employee who agrees to submit to regular or periodic testing,  
16 the employer shall provide testing options at the place of employment at no cost to  
17 the employee.

18 B.(1) In lieu of testing at the place of employment, the employee may  
19 provide test results obtained through a licensed healthcare provider or self-  
20 administered United States Food and Drug Administration approved test.

1           (2) If the testing is not covered by the employee's insurance or the employee  
2           is uninsured, the employer may cover the cost of testing.

3           §272. Vaccine requirements; exemptions

4           A. An employer that requires a vaccine for an employee shall waive the  
5           requirement if the employee, or, if the employee is a minor, the employee's parent  
6           or legal guardian, submits either of the following to the employer:

7           (1) A written statement from a physician or signed by a physician stating that  
8           receiving the vaccine is contraindicated for medical reasons.

9           (2) A written dissent or statement of a deeply held religious or philosophical  
10           belief against receiving the vaccine.

11           B. An employer shall accept exemptions that are allowable under the Civil  
12           Rights Act of 1964 and the Americans with Disabilities Act of 1990 and offer  
13           reasonable accommodations.

14           C. No employer shall discharge any employee or otherwise discriminate  
15           against any employee with respect to his compensation, terms, conditions, or  
16           privileges of employment because of his refusal to adhere to a vaccine requirement.

17           D. Notwithstanding any provision of law to the contrary, each appropriate  
18           state agency shall ensure that a business in this state complies with the provisions of  
19           this Section as a condition of obtaining a license or permit for authorization as  
20           necessary to conduct business in this state.

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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)]

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HB 353 Reengrossed

2022 Regular Session

Romero

**Abstract:** Allows certain exemptions from COVID-19 vaccine requirements and vaccine requirements in general that are mandated by an employer in the workplace.

Proposed law provides that if an employer, who enforces a COVID-19 vaccine requirement, waives the requirement for an employee, who agrees to submit to regular or periodic testing, the employer shall provide testing options to the employee and cover the cost of testing.

Proposed law provides that the employee, if he so chooses, may provide to the employer, test results from a licensed healthcare provider of his choosing or from a self-administered

federally approved COVID-19 test. Proposed law further provides that if the testing is not covered by the employee's insurance or the employee is uninsured, the employer may cover the cost.

Proposed law provides that if an employer requires a vaccine requirement, an employee, or a parent or legal guardian if the employee is a minor, may submit a written statement claiming a medical exemption from or a written dissent or statement of a deeply held religious or philosophical belief against the vaccine requirement. Proposed law further provides that the employer must honor the exemption.

Proposed law provides that an employer shall accept exemptions that are allowable under the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990 and offer reasonable accommodations.

Proposed law provides that no employer shall discharge any employee or otherwise discriminate against any employee with respect to his compensation, terms, conditions, or privileges of employment because of his refusal to adhere to a vaccine requirement.

Proposed law provides that each appropriate state agency shall ensure that a business in this state complies with the provisions of proposed law as a condition of obtaining a license or permit for authorization as necessary to conduct business in this state.

(Adds R.S. 23:271 and 272)

#### Summary of Amendments Adopted by House

##### The House Floor Amendments to the engrossed bill:

1. Change the provision in proposed law as it relates to coverage of cost for a self-administered federally approved COVID-19 test from requiring an employer to cover the cost of the testing when the employee is uninsured or the employee's insurance would not cover the test to the employer may choose to cover the cost of testing.
2. Provide that if an employer requires a vaccine requirement, an employee, or a parent or legal guardian if the employee is a minor, may claim a medical exemption or a religious or philosophical exemption against the vaccine requirement.
3. Require the employer to honor the employee's, or the parent or legal guardian's on behalf of the employee, medical exemption or religious or philosophical exemption against the vaccine requirement.
4. Require an employer to accept exemptions that are allowable under federal law and to offer reasonable accommodations.
5. Require each appropriate state agency to ensure that businesses in this state comply with the provisions of proposed law as a condition of obtaining a license or permit for authorization as necessary to conduct business in this state.
6. Prohibit an employer from discharging an employee or discriminating against an employee because of his refusal to adhere to a vaccine requirement.
7. Make technical changes.