
DIGEST

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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.