AN ACT

To enact R.S. 22:860.1, relative to insurance contract requirements; to prohibit insurers from requiring or requesting a vaccination status for individuals, family members, and businesses; to prohibit insurers from requiring or requesting that a business adopt policies and procedures for vaccination status, or from requiring or requesting information on whether a business has adopted such policies and procedures; to prohibit the use of vaccination status for underwriting purposes; to prohibit insurers from using vaccination status for underwriting purposes; to provide for definitions; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:860.1 is hereby enacted to read as follows:

§860.1. Prohibited discrimination; vaccination status; definitions; exceptions

A. As used in this Section, the following definitions apply:

(1) "Business" means a corporation, association, partnership, limited liability company, limited liability partnership, sole proprietorship, or other legal entity that is eligible to apply or enroll for coverage under the insurance plan, or a corporation, association, partnership, limited liability company, limited liability partnership, sole proprietorship, or other legal entity that is presently covered by an insurer.

(2) "Family member" means a person who is eligible to be covered under the individual’s insurance plan or a person who is presently covered by an insurer.
(3) "Individual" means an applicant who is eligible to apply or enroll for coverage under the insurance plan or a person who is presently covered by an insurer.

(4) "Insurance plan" means a policy, contract, certificate, or agreement entered into, offered, or issued by an insurer to provide, deliver, arrange for, pay for, or reimburse any of the costs of services.

(5) "Insurer" means an authorized insurer as defined in R.S. 22:46 engaged in the business of making health, property, casualty, and liability insurance plans, including employees of the insurer, insurance producers, vendors, third-party administrators, and managing general agents.

(6) "Underwriting purpose" means rules for or determination of eligibility, including the application or enrollment, or the continued eligibility, for benefits covered under the insurance plan, for the computation of premium or contribution amounts under the insurance plan, and other activities related to the creation, renewal, or replacement of the insurance plan issued, renewed, or delivered by an insurer.

(7) "Vaccination" means the act of introducing a vaccine into the body to produce protection to a specific disease.

(8) "Vaccination status" means an indication of whether an individual, family member, or business has received one or more doses of a vaccine.

(9) "Vaccine" means a preparation that is used to stimulate the body's immune response against diseases, usually administered through needle injections, but which can be administered by mouth or sprayed into the nose.

B. No insurer shall require or request that an individual, family member, or business applying or enrolling for coverage under the insurance plan, or any individual, family member, or business that is presently covered, be subjected to questions relating to vaccination status.

C. No insurer shall do either of the following:

(1) Require or request that a business applying or enrolling for coverage under the insurance plan, or a business that is presently covered, adopt any
policies or procedures for vaccination status.

(2) Require or request that a business applying or enrolling for coverage under the insurance plan, or a business that is presently covered, provide information as to whether the business has adopted any policies or procedures for vaccination status.

D. No insurer, in determining eligibility for coverage, establishing premiums, limiting coverage, or any other underwriting purpose for an individual, family member, or business applying or enrolling, or any individual, family member, or business that is presently covered, shall do the following:

(1) Require, request, or purchase information on an individual's, family member's, or business's vaccination status.

(2) Require or request that an individual, family member, or business receive a vaccine as a requirement for coverage.

(3) Terminate, deny, restrict, limit, exclude, or otherwise apply conditions on any individual, family member, or business based on vaccination status.

(4) Impose a rider that excludes coverage for certain benefits or services under the insurance plan, or restrict the sale of the insurance plan based on the individual’s, family member’s, or business’s vaccination status.

(5) Establish differentials in premium rates or cost sharing for coverage under the insurance plan based on the individual’s, family member’s, or business’s vaccination status.

(6) Otherwise discriminate against an individual, family member, or business in the provisions of the insurance plan based on the individual’s, family member’s, or business’s vaccination status.

E. Notwithstanding any other provisions of law to the contrary, this Section and the requirements contained in this Section do not apply to life insurance or annuity products, retirement plans, long-term care insurance, disability income insurance, reinsurance, or dental, vision, and other supplemental benefit products.
F. Nothing in this Section prohibits an insurer from incentivizing or
rewarding an individual, family member, or business for voluntarily submitting
vaccination status with respect to a wellness or health improvement program
as provided for in R.S. 22:1017.

VETO MESSAGE:

"Please be advised that I vetoed Senate Bill 141 of the 2022 Regular Session.

While I appreciate the author's efforts to enshrine aspects of the Affordable Care Act into
state law, limiting the applicability of these protections to vaccination status only could serve
to further complicate the already labyrinthine health insurance market. Furthermore, the
inclusion of vaccination status only contributes to the false narrative that vaccines are
anything other than safe, effective, and vital to protecting public health.

Protecting healthcare consumers requires a comprehensive examination and overhaul of state
statutes. I welcome the author of this bill to work with my office on crafting a measure that
protects every Louisianans regardless of their pre-existing conditions."