

SENATE BILL NO. 200

BY SENATOR DUPLESSIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 23:302(7) and (8), and to enact R.S. 23:302(9) and (10) and Part VIII of Chapter 3-A of Title 23 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 23:370, relative to an employee's absence from work to obtain genetic testing or a medically necessary cancer screening; to provide relative to employee obligations; to provide certain employee protections; to provide relative to definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:302(7) and (8) are hereby amended and reenacted and R.S. 23:302(9) and (10) and Part VIII of Chapter 3-A of Title 23 of the Louisiana Revised Statutes of 1950, comprised of R.S. 23:370, are hereby enacted to read as follows:

§302. Definitions

For purposes of this Chapter and unless the content clearly indicates otherwise, the following terms shall have the following meanings ascribed to them:

* * *

(7) "Medically necessary" means those healthcare services that are in accordance with generally accepted evidence-based medical standards or that are considered by most physicians or independent licensed practitioners within the community of their respective professional organizations to be the standard of care.

(a) In order to be considered medically necessary, services shall be deemed reasonably necessary to diagnose, correct, cure, alleviate, or prevent the worsening of a condition or conditions that endanger life, cause suffering or pain, or have resulted or will result in a handicap, physical deformity, or malfunction, and those for which no equally effective and less costly course of

1 treatment is available or suitable for the recipient.

2 (b) Services that are experimental, not approved by the Food and Drug
 3 Administration, investigational, or cosmetic are not deemed medically necessary
 4 and are specifically excluded from coverage unless coverage for early screening
 5 and detection is provided for in Part III of Chapter 4 of Title 22 of the
 6 Louisiana Revised Statutes of 1950.

7 ~~(7)~~**(8)** "Labor organization" means any organization which exists for the
 8 purpose, in whole or in part, of collective bargaining or of dealing with employers
 9 concerning grievances, terms, or conditions of employment, or for other mutual aid
 10 or protection in relation to employment or any agent acting for such an organization.

11 ~~(8)~~**(9)** "Protected genetic information" means information about an
 12 individual's genetic tests, the genetic tests of an individual's family members, or the
 13 occurrence of a disease, or medical condition or disorder in family members of the
 14 individual.

15 **(10) "Preventive cancer screening" means healthcare services necessary**
 16 **for the detection of cancer in an individual, including but not limited to**
 17 **magnetic resonance imaging, ultrasound, or some combination of tests.**

18 * * *

19 **PART VIII. GENETIC TESTING AND CANCER SCREENING**

20 **§370. Genetic testing and cancer screening leave of absence**

21 **A. When medically necessary, as that term is defined in R.S. 23:302, an**
 22 **employer shall grant an employee a day's leave of absence from work to obtain**
 23 **genetic testing or preventive cancer screening. An employee who wishes to**
 24 **request such leave shall provide at least fifteen days notice to the employer prior**
 25 **to the leave and make a reasonable effort to schedule the leave so as not to**
 26 **unduly disrupt the operations of the employer. Furthermore, the employee shall**
 27 **provide documentation confirming the performance of such genetic testing or**
 28 **cancer screening when requested by the employer. An employee shall not be**
 29 **required to, but may, disclose the results of genetic testing or a preventative**
 30 **cancer screening.**

1 B. Notwithstanding any other provision of law to the contrary, an
 2 employer, employment agency, or labor organization shall not be required to
 3 provide paid time off to any employee who is absent from work due to genetic
 4 testing or a medically necessary cancer screening. However, an employee shall
 5 be permitted to substitute any accrued vacation time or other appropriate paid
 6 leave for leave taken pursuant to this Section.

7 C. Every employer shall post in a conspicuous location on its premises
 8 a notice, to be prepared by the Louisiana Workforce Commission, setting forth
 9 the requirements of this Section.

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____