

2026 Regular Session

HOUSE BILL NO. 301

BY REPRESENTATIVE WYBLE

1 AN ACT

2 To enact Chapter 11-B of Title 23 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 23:1821 through 1823, relative to voluntary portable benefits for
4 independent contractors; to provide a short title; to provide definitions; to provide
5 for contributions to a portable benefit account; to allow certain persons or entities to
6 contribute funds to a portable benefit account; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Chapter 11-B of Title 23 of the Louisiana Revised Statutes of 1950,
9 comprised of R.S. 23:1821 through 1823, is hereby enacted to read as follows:

10 CHAPTER 11-B. INDEPENDENT CONTRACTOR VOLUNTARY
11 PORTABLE BENEFITS

12 §1821. Short title

13 This Chapter shall be known and may be cited as the "Independent Contractor
14 Voluntary Portable Benefits Act".

15 §1822. Definitions

16 For the purpose of this Chapter, the following terms have the meanings
17 ascribed to them:

18 (1) "Bank" means a banking corporation or trust company entitled to operate
19 within this state as provided in Title 6 of the Louisiana Revised Statutes of 1950.

20 (2) "Hiring party" means a person or entity that hires or enters into a contract
21 for the performance of work with an independent contractor who meets the
22 rebuttable presumption standard established in R.S. 23:1711.1.

1 (3) "Portable benefit account" means an account owned by an independent
 2 contractor that is assigned to an individual beneficiary and is not associated with a
 3 specific employer or hiring party. The account shall be administered by a portable
 4 benefit account provider, as defined in this Section, for the purpose of funding the
 5 purchase of one or more benefit plans, including but not limited to plans that provide
 6 any of the following:

- 7 (a) Health insurance.
- 8 (b) Income replacement insurance.
- 9 (c) Disability pay insurance.
- 10 (d) Life insurance.
- 11 (e) Retirement benefits.

12 (4) "Portable benefit account provider" means the administrator of a portable
 13 benefit account and includes any of the following:

- 14 (a) A bank.
- 15 (b) An investment management firm.
- 16 (c) A technology provider or program manager that offers services through
 17 a bank or investment management firm.

18 §1823. Contributions of funds to portable benefit accounts

19 A. Any person or entity, including an internet- or application-based entity,
 20 may contribute funds to one or more portable benefit accounts.

21 B. A contribution to a portable benefit account may be made using the funds
 22 of the hiring party or a percentage of funds withheld from compensation owed to an
 23 independent contractor if all of the following occur:

- 24 (1) The withholding of compensation is expressly agreed to in writing by
 25 both parties.
- 26 (2) The written agreement is clear, unambiguous, and prominently displayed
 27 either in a services agreement or other contract between the independent contractor
 28 and the hiring party or in a separate notice.
- 29 (3) The withholding of compensation is voluntary and requires an
 30 independent contractor to opt in.

1 (4) The independent contractor is allowed to opt out of the agreement at any
2 time.

3 C. Contributions to a portable benefit account are voluntary and shall not be
4 used as criterion for determining an individual's employment classification. Such
5 contributions are not evidence of employer liability, and a court shall not construe
6 them as an element of an employment relationship for any purpose pursuant to the
7 Louisiana Workers' Compensation Law or Louisiana Employment Security Law.

8 D. The provisions of this Chapter shall not apply to the Louisiana Workers'
9 Compensation Law, R.S. 23:1020 et seq.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____