



1 AN ACT

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

10 Be it enacted by the Legislature of Louisiana:

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

12 **§860.1. Prohibited discrimination; vaccination status; definitions; exceptions**

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

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

20 **(2) "Family member" means a person who is eligible to be covered under**
21 **the individual's insurance plan or a person who is presently covered by an**
22 **insurer.**

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

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

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

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

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

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

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

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

28 C. No insurer shall do either of the following:

29 (1) Require or request that a business applying or enrolling for coverage
30 under the insurance plan, or a business that is presently covered, adopt any

1 policies or procedures for vaccination status.

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

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

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

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

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

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

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

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

26 E. Notwithstanding any other provisions of law to the contrary, this
27 Section and the requirements contained in this Section do not apply to life
28 insurance or annuity products, retirement plans, long-term care insurance,
29 disability income insurance, reinsurance, or dental, vision, and other
30 supplemental benefit products.

1 F. Nothing in this Section prohibits an insurer from incentivizing or
 2 rewarding an individual, family member, or business for voluntarily submitting
 3 vaccination status with respect to a wellness or health improvement program
 4 as provided for in R.S. 22:1017.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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."