

2025 Regular Session

SENATE BILL NO. 138

BY SENATOR KLEINPETER

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

HEALTH/ACC INSURANCE. Provides for health insurance coverage for retired employees of district attorneys' offices. (8/1/25)

AN ACT

To enact R.S. 22:37, relative to group health insurance for retired employees of district attorneys' offices; to prohibit a health insurance issuer from refusing enrollment based solely on the status of retirement; to prohibit discrimination between active and retired employees for purposes of insurance coverage; to provide for construction of statutory provisions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:37 is hereby enacted to read as follows:

§37. Discrimination prohibited; health insurance coverage; district attorney's office retirees

A. No health insurance issuer shall refuse to accept for enrollment any individual formerly employed by a district attorney's office in this state when all of the following conditions are met:

(1) The health insurance issuer maintains a policy of group health coverage for which the district attorney's office is the group policyholder.

(2) The individual was formerly a certificate holder of a policy for which the district attorney's office was at that time the group policyholder.

(3) The individual is no longer employed by the district attorney's office as a result of retirement.

(4) The individual is not yet eligible for Medicare.

(5) The district attorney's office is funded by a local sales and use tax dedicated to the operations of the office.

B. The health insurance issuer shall not discriminate between an active employee of a district attorney's office and a retired former employee of the same district attorney's office on the basis of active or retired status.

C.(1) This Section does not require a health insurer to provide coverage for a retired former employee under circumstances in which an active employee could lawfully be denied coverage nor requires a health insurance issuer to offer terms, rates, or benefits to a retired former employee that the insurer is not required to offer to an active employee.

(2) Notwithstanding the provisions of this Section, this Section shall not be construed to do any of the following:

(a) Require a district attorney's office to offer health insurance coverage to retired former employees.

(b) Prohibit a district attorney's office from offering health insurance coverage only to active employees.

(c) Prohibit a health insurance issuer from offering coverage that complies with an eligibility decision of a district attorney's office.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Present law allows a district attorney's office to offer group health insurance to its employees.

Proposed law retains present law.

Proposed law requires a health insurance issuer to provide coverage to a retired employee of a district attorney's office funded by a local dedicated sales and use tax on the same terms

as to an active employee of the office when the retiree is not yet eligible for Medicare, if the district attorney's office provides health insurance coverage to its retirees.

Proposed law does not require a district attorney's office to offer health insurance coverage to retirees.

Effective August 1, 2025.

(Adds R.S. 22:37)