

SENATE BILL NO. 138

BY SENATOR KLEINPETER AND REPRESENTATIVES BACALA, BILLINGS,
BROWN, JACKSON, OWEN AND TAYLOR

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

1 AN ACT

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

7 Be it enacted by the Legislature of Louisiana:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____