

2026 Regular Session

HOUSE BILL NO. 421

BY REPRESENTATIVE COX

LABOR: Provides relative to the use of automated decision systems with respect to employment decisions

1 AN ACT

2 To enact Part IV of Chapter 9 of Title 23 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 23:971 through 980, relative to the usage of automated decision
4 systems for employment decisions; to require notification for the use of automated
5 decision systems; to prohibit the use of automated decision systems under certain
6 circumstances; to prohibit retaliatory actions; to provide for a right to appeal; to
7 provide for collective bargaining; to provide for worker protections; to provide
8 definitions; to provide for enforcement; to provide for penalties; and to provide for
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Part IV of Chapter 9 of Title 23 of the Louisiana Revised Statutes of 1950,
12 comprised of R.S. 23:971 through 980, is hereby enacted to read as follows:

13 PART IV. AUTOMATED DECISION SYSTEMS AND EMPLOYMENT

14 §971. Definitions

15 For purposes of this Part, the following terms have the meanings ascribed to
16 them:

17 (1) "Artificial intelligence" means an engineered or machine-based system
18 that varies in its level of autonomy and that can, for explicit or implicit objectives,
19 infer from the input it receives how to generate outputs that can influence physical
20 or virtual environments.

1 (2) "Authorized representative" means any person or organization appointed
2 by the worker to serve as an agent of the worker. Authorized representative does not
3 include a worker's employer.

4 (3) "Automated decision system" or "ADS" means any computational
5 process derived from machine learning, statistical modeling, data analytics, or
6 artificial intelligence that issues simplified output, including a score, classification,
7 or recommendation, that is used to assist or replace human discretionary
8 decisionmaking and materially impacts by a natural person. An automated decision
9 system does not include a spam email filter, firewall, antivirus software, identity and
10 access management tools, calculator, database, data set, or other compilation of data.

11 (4) "ADS output" means any information, data, assumptions, predictions,
12 scoring, recommendations, decisions, or conclusions generated by an ADS.

13 (5)(a) "Employer" means any person who directly or indirectly, or through
14 an agent or any other person, employs or exercises control over the wages, benefits,
15 other compensation, hours, working conditions, access to work or job opportunities,
16 or other terms or conditions of employment of any worker. This also includes all
17 branches of state government, parishes, cities, and municipalities, or any other
18 political subdivision of the state, school district, special district, or any authority,
19 commission, or board, or any other agency or instrumentality thereof.

20 (b) "Employer" also includes a labor contractor of an employer as defined
21 in Subparagraph (a) of this Paragraph.

22 (6)(a) "Employment-related decision" means any decision by an employer
23 that impacts wages, wage setting, benefits, compensation, work hours, work
24 schedule, performance evaluation, hiring, recruitment, discipline, promotion,
25 termination, job tasks, skill requirements, work responsibilities, assignment of work,
26 access to work and training opportunities, productivity requirements, workplace
27 health and safety, and any other terms or conditions of employment.

28 (b) For an individual classified as an independent contractor or a candidate
29 for employment, employment-related decision means the equivalent of the decisions

1 provided for in Subparagraph (a) of this Paragraph based on his contract with or his
2 relationship to the employer.

3 (7)(a) "Essential job functions" means the fundamental duties of a position
4 as revealed by all of the following objective evidence:

5 (i) The amount of time workers spend performing each function.

6 (ii) The consequences of not requiring individuals to perform the function.

7 (iii) The terms of any applicable collective bargaining agreement.

8 (iv) The workers' past and present work experiences and performance in the
9 position in question.

10 (v) The employer's reasonable, non-discriminatory judgment as to which
11 functions are essential.

12 (b) Essential job functions may include past and current written job
13 descriptions and the employer's reasonable, non-discriminatory judgment as to which
14 functions are essential for achieving the purpose of the job. However, such functions
15 shall not be the sole basis for this determination absent the objective evidence
16 described in Subparagraph (a) of this Paragraph.

17 (8) "Federal government" means a department, agency, or instrumentality,
18 corporate or otherwise, of the United States of America.

19 (9) "Individualized" means a specific individual or group, band, class, or tier
20 of individuals with particular personal characteristics, behavior, or biometrics.

21 (10) "Other information" means, without limitation, any of the following:

22 (a) Supervisory or managerial evaluations.

23 (b) Personnel files.

24 (c) Work product of workers.

25 (d) Peer reviews.

26 (e) Relevant online customer reviews.

27 (11) "Quota" means a work standard under which an employee is assigned
28 or required to perform at a specified productivity speed, to perform a quantified
29 number of tasks, or to handle or produce a quantified amount of material, within a

1 defined time period and under which the employee may suffer an adverse
2 employment action if they fail to complete the performance standard.

3 (12) "Worker" means any natural person who is an employee of, job
4 applicant for, or an independent contractor providing service to, or through, a
5 business or a state or local governmental entity in any workplace.

6 (13) "Worker data" means any information that identifies, relates to, or
7 describes a worker, regardless of how the information is collected, inferred, or
8 obtained.

9 (14) "Vendor" means a third party, subcontractor, or entity engaged by an
10 employer or an employer's labor contractor that provides software, technology, or a
11 related service that is used to collect, store, analyze, or interpret worker data or
12 worker information.

13 §972. Automated Decision System pre-use notice requirement

14 A. An employer shall provide written notice that an ADS, for the purpose of
15 making employment-related decisions, not including hiring, is in use at the
16 workplace to a worker who will foreseeably be directly affected by the ADS, or his
17 authorized representative. The notice shall be provided at any of the following time
18 periods:

19 (1) At least thirty days before an ADS is first deployed by the employer.

20 (2) If the employer is using an ADS to assist in making employment-related
21 decisions at the time this Part takes effect.

22 (3) To a new worker within thirty days of his hiring date.

23 B. An employer shall maintain an updated list of all ADS currently in use.

24 C. A written notice required by this Section shall meet all of the following
25 requirements:

26 (1) Written in plain language as a separate, standalone communication.

27 (2) In the language in which routine communications and other information
28 are provided to workers.

1 (3) Provided via a simple and easy-to-use method, including but not limited
2 to an email, hyperlink, or other written format.

3 D. An employer who uses an ADS to make hiring decisions shall notify a job
4 applicant upon receiving his application that the employer utilizes an ADS for hiring
5 decisions. Notifications may be made using an automatic reply mechanism or on the
6 job posting.

7 E. A notice issued pursuant to Subsection A of this Section shall contain all
8 of the following information:

9 (1) The type of employment-related decisions potentially affected by the
10 ADS.

11 (2) A general description of the categories of worker input data the ADS will
12 use, the sources of worker input data, and how worker input data will be collected.

13 (3) Any key parameters known to disproportionately affect the output of the
14 ADS.

15 (4) The individuals, vendors, or entities that created the ADS.

16 (5) If applicable, a description of each quota set or measure by an ADS that
17 the worker is subject to, including the quantified number of tasks to be performed or
18 products to be produced, and any potential adverse employment action that could
19 result from failure to meet the quota, as well as whether those quotas are subject to
20 change and if any notice is given of changes in quotas.

21 (6) A description of the worker's right to access and correct the worker's own
22 data used by the ADS.

23 (7) That the employer shall be prohibited from retaliating against a worker
24 who exercises his rights as provided in Paragraph (6) of this Subsection.

25 (8) That the worker has a right to appeal any decision made with the
26 assistance of an ADS and the process to appeal that decision.

27 §973. Usage of automated decision systems

28 A.(1) An employer shall not use an ADS to do any of the following:

1 (a) Prevent compliance with or violate any federal, state, or local labor,
2 occupational health and safety, employment, or civil rights laws or regulations.

3 (b) Infer a worker's protected status as provided for in R.S. 23:332.

4 (c) Identify, profile, predict, or take adverse action against a worker for
5 exercising his legal rights, including but not limited to rights guaranteed by state and
6 federal employment and labor law.

7 (d) Make predictions or inferences about a worker's behavior, beliefs,
8 intentions, personality, emotional state, health, or other characteristics or behavior
9 that are unrelated to the worker's essential job functions.

10 (2) In addition to the prohibitions provided for in Paragraph (1) of this
11 Subsection, an employer shall not use an ADS that utilizes facial recognition, gait,
12 or emotion recognition technologies.

13 B. An employer shall not use an ADS to collect worker data for a purpose
14 that is not disclosed pursuant to the notice requirements as provided in R.S. 23:972.

15 C.(1) An employer shall not rely solely on an ADS when making a
16 discipline, termination, or deactivation decision.

17 (2) If an employer or a vendor utilizes an ADS output to assist in making an
18 employment-related decision, the employer or vendor shall do all of the following:

19 (a) Ensure the accuracy of the ADS output.

20 (b)(i) Use a designated internal reviewer to conduct a separate investigation
21 and compile corroborating information for the decision. This information may
22 include but is not limited to supervisory or managerial evaluations, personnel files,
23 employee work products, or peer reviews.

24 (ii) The designated internal reviewer required by this Subparagraph shall
25 have all of the following:

26 (aa) Sufficient authority, discretion, resources, and time to corroborate the
27 ADS output.

1 (bb) Sufficient expertise in the operation of similar systems and a sufficient
2 understanding of the ADS in question to interpret its outputs as well as results of
3 relevant impact assessments.

4 (cc) Education, training, or experience sufficient to allow the reviewer to
5 make a well-informed decision.

6 (iii) The designated internal reviewer shall be protected from retaliation for
7 exercising his responsibilities.

8 (3) An employer shall not rely on an ADS to make an employment-related
9 decision if the employer cannot corroborate the ADS output or the human reviewer
10 has concluded that the ADS output is inaccurate, incomplete, or misleading.

11 (4)(a) An employer shall allow a worker to access worker data collected,
12 used by, or produced by an ADS and correct errors in any input or output data used
13 by or produced by the ADS or used as corroborating evidence by a human reviewer.

14 (b) An affected worker shall be allowed to choose an authorized
15 representative to request access to the worker's data on his behalf.

16 D. An employer shall not use an ADS that utilizes or relies on individualized
17 worker data as inputs or outputs to determine or inform compensation, unless the
18 employer can demonstrate all of the following:

19 (1) The input data is directly related to the ability of the worker to complete
20 the task based on his education, training, experience, or seniority.

21 (2) The inputs used are clearly communicated to the worker such that the
22 worker knows his compensation is a function of the identified attributes.

23 (3) He does not use the ADS more than once per a six-month period per
24 worker.

25 (4) He does not use the ADS for the purpose of hiring, promoting, or any
26 other meaningful changes in work duties.

27 E. An employer shall not use customer ratings as the only or primary input
28 data for an ADS to make employment-related decisions.

1 F. A worker has the right to request, and an employer shall provide, a copy
2 of the most recent twelve months of the worker's own data primarily used by an ADS
3 to make a discipline, termination, or deactivation decision. A worker shall be limited
4 to one request every twelve months for a copy of his own data used by an ADS to
5 make a discipline, termination, or deactivation decision.

6 G. For purposes of safeguarding the privacy rights of consumers, workers,
7 and individuals, when an employer is required to provide worker data pursuant to
8 this Part, the worker data shall be provided in a manner that provides anonymity
9 regarding the customer's, other worker's, or individual's personal information.

10 §974. Automated decision system post-use notice requirement

11 A. An employer that primarily relies on an ADS to make a discipline,
12 termination, or deactivation decision shall provide the affected worker with written
13 notice at the time such decision is made. The notice shall meet all of the following
14 requirements:

15 (1) Written in plain language as a separate, standalone communication.

16 (2) In the language in which routine communications and other information
17 are provided to workers.

18 (3) Provided via a simple and easy-to-use method, including but not limited
19 to an email, hyperlink, or other written format.

20 B. A notice issued pursuant to Subsection A of this Section shall contain all
21 of the following information:

22 (1) The human individual to contact for more information about the decision
23 and the ability to request a copy of the worker's own worker data relied on in the
24 decision.

25 (2) That the employer used an ADS to assist the employer in any discipline,
26 termination, or deactivation decisions with respect to the worker.

27 (3) That the worker has the right to request a copy of the worker's data used
28 by the ADS.

1 (4) That the employer is prohibited from retaliating against the worker for
2 exercising his right pursuant to this Part.

3 (5) The worker's right to appeal the decision as provided in R.S. 23:975.
4 §975. Right to appeal

5 A. If an employer has used an ADS to make an employment-related decision
6 about a worker, the affected worker has the right to appeal that decision, request a
7 human review, request submission of additional information, and correct any errors
8 in the data used by the ADS.

9 B. An employer or a vendor that used an ADS to make an employment-
10 related decision shall provide an affected worker with a form or a hyperlink to an
11 electronic form that provides that the worker has a right to appeal the decision within
12 thirty days from the date that the worker was notified. The appeal form provided to
13 an affected worker shall include all of the following:

14 (1) The option to request access to the data used as input to or as output from
15 the ADS.

16 (2) The option to request access to any corroborating or supporting evidence
17 provided by a human reviewer to verify output from the ADS.

18 (3) The worker's reason or justification for an appeal and any evidence to
19 support the appeal.

20 (4) A designation for an authorized representative who can also access the
21 data.

22 C.(1) An employer or a vendor shall respond to an appeal within fourteen
23 business days.

24 (2)(a)(i) In responding to an appeal, the employer or vendor shall designate
25 a human reviewer who shall meet all of the following requirements:

26 (aa) He can objectively evaluate all evidence.

27 (bb) He has sufficient authority, discretion, and resources to evaluate the
28 decision.

29 (cc) He has the authority to overturn the decision.

1 (ii) The employer or vendor shall not designate a person who was involved
2 in the decision that the worker is appealing.

3 (b) The response provided to the worker shall be composed on a clear,
4 written document which describes the result of the appeal and the reasons for that
5 result.

6 (3) If the human reviewer determines that the employment-related decision
7 should be overturned, the employer or vendor shall rectify the decision within
8 twenty-one business days.

9 §976. Complying with notice requirements

10 An employer who complies with the notice requirements as required by this
11 Part shall not be required to comply with any substantially similar notice provisions
12 related to automated decisions systems used for employment-related decisions
13 required by any other state law.

14 §976.1. Complying with regulatory or contractual obligations

15 Nothing in this Part shall prohibit an employer from complying with
16 regulatory or contractual requirements concerning products or services for the
17 federal government.

18 §977. Retaliatory actions; prohibition

19 An employer shall not discharge, threaten to discharge, demote, suspend, or
20 discriminate or retaliate, in any manner, against any worker for using or attempting
21 to exercise his rights pursuant to this Part, filing a complaint with Louisiana Works
22 alleging a violation of this Part, cooperating in an investigation or prosecution of an
23 alleged violation of this Part, or any action taken by the worker to invoke or assist
24 in any manner for the enforcement of this Part, or for exercising or attempting to
25 exercise any right protected pursuant to this Part.

26 §978. Collective bargaining; applicability

27 The provisions of this Part shall not apply to parties covered by a collective
28 bargaining agreement if the agreement explicitly waives the provisions of this Part
29 in clear and unambiguous terms, expressly provides for the wages or earnings,

1 working conditions, and other terms and conditions of work, and provides protection
2 from algorithmic management.

3 §979. Worker protections

4 Nothing in this Part shall preempt any city or parish ordinance that provides
5 equal or greater protection to workers who are covered pursuant to this Part.

6 §980. Enforcement; penalties

7 A. An employer who violates the provisions of this Part shall be subject to
8 a civil penalty of five hundred dollars.

9 B. Louisiana Works shall enforce the provisions of this Part, including
10 investigating an alleged violation, issuing a citation against an employer, and
11 ordering appropriate temporary relief to mitigate a violation or maintain the status
12 quo pending the completion of a full investigation or hearing.

13 C. A civil action brought pursuant to this Part shall be brought in the judicial
14 district court in the parish where the violation occurred, employee resides, or
15 employer is located. The petitioner may seek appropriate temporary or preliminary
16 injunctive relief, including punitive damages, and reasonable attorney fees and costs.

17 D. Louisiana Works may promulgate rules and regulations in accordance
18 with the Administrative Procedure Act as necessary for the implementation of the
19 provisions of this Part.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

HB 421 Original

2026 Regular Session

Cox

Abstract: Provides relative to the use of automated decision systems with respect to employment decisions.

Proposed law defines "artificial intelligence", "authorized representative", "automated decision system", "ADS output", "employer", "employment-related decision", "essential job functions", "federal government", "individualized", "other information", "quota", "worker", "worker data", and "vendor".

Proposed law requires an employer to provide written notice to an affected worker, or his authorized representative, if the employer uses an automated decision system (ADS) to make certain employment-related decisions.

Proposed law provides that the aforementioned notice shall be provided at the following time periods:

- (1) At least 30 days before an ADS is first deployed by the employer.
- (2) If the employer is using an ADS to assist in making employment-related decisions at the time proposed law becomes effective.
- (3) To a new worker within 30 days of his hiring date.

Proposed law requires an employer to maintain an updated list of all ADS currently in use.

Proposed law provides that the notice shall meet the following requirements:

- (1) Written in plain language as a separate, standalone communication.
- (2) In the language in which routine communications and other information are provided to workers.
- (3) Provided via a simple and easy-to-use method, including but not limited to an email, hyperlink, or other written format.

Proposed law provides that the written notice shall contain all of the following information:

- (1) The type of employment-related decisions potentially affected by the ADS.
- (2) A general description of the categories of worker input data the ADS will use, the sources of worker input data, and how worker input data will be collected.
- (3) Any key parameters known to disproportionately affect the output of the ADS.
- (4) The individuals, vendors, or entities that created the ADS.
- (5) If applicable, a description of each quota set or measure by an ADS that the worker is subject to, including the certain numerical metrics and any potential adverse employment action that may be taken for failing to meet certain quotas.
- (6) A description of the worker's right to access and correct the worker's data used by the ADS.
- (7) That the employer is prohibited from retaliating against a worker who exercises his rights as provided in proposed law (R.S. 23:972(E)(6)).
- (8) That the worker has a right to appeal any decision that was made with the assistance of an ADS and the process to appeal that decision.

Proposed law requires an employer, who uses an ADS in making hiring decisions, to notify a job applicant that the employer utilizes an ADS for hiring decisions. Proposed law allows such notification to be made using an automatic reply mechanism or on the job posting.

Proposed law prohibits an employer from using an ADS to do any of the following:

- (1) Prevent compliance with or violate any federal, state, or local labor, occupational health and safety, employment, or civil rights laws or regulations.
- (2) Infer a worker's protected status as provided for in present law (R.S. 23:332).

- (3) Identify, profile, predict, or take adverse action against a worker for exercising his legal rights, including but not limited to rights guaranteed by state and federal employment and labor law.
- (4) Make predictions or inferences about a worker's behavior, beliefs, intentions, personality, emotional state, health, or other characteristics, or behavior that are unrelated to the worker's essential job functions.

Proposed law provides that in addition to the aforementioned prohibitions, an employer shall not use an ADS that utilizes facial recognition, gait, or emotion recognition technologies.

Proposed law prohibits an employer from using an ADS to collect worker data for a purpose that is not disclosed in the written notice as required by proposed law.

Proposed law prohibits an employer from solely relying on an ADS when making discipline, termination, or deactivation decisions.

Proposed law requires an employer or a vendor to do all of the following, if the employer or vendor utilizes an ADS output to assist in making an employment-related decision:

- (1) Ensure the accuracy of the ADS output.
- (2) Use a designated internal reviewer to conduct a separate investigation and compile corroborating information for the decision.

Proposed law requires the designated internal reviewer to have all of the following:

- (1) Sufficient authority, discretion, resources, and time to corroborate the ADS output.
- (2) Sufficient expertise in the operation of similar systems and a sufficient understanding of the ADS in question to interpret its outputs as well as results of relevant impact assessments.
- (3) Education, training, or experience sufficient to allow the reviewer to make a well-informed decision.

Proposed law provides that the designated internal reviewer shall be protected from retaliation for exercising his responsibilities.

Proposed law prohibits an employer from relying on an ADS to make an employment-related decision, if the employer is unable to corroborate the ADS output or the human reviewer has concluded that the ADS output is inaccurate, incomplete, or misleading.

Proposed law requires an employer to allow a worker access to worker data collected, used by, or produced by an ADS and correct errors in any input or output data used by or produced by the ADS or used as corroborating evidence by a human reviewer.

Proposed law provides that an affected worker shall be allowed to choose an authorized representative to request access to the worker's data on his behalf.

Proposed law prohibits an employer from using an ADS that utilizes or relies on individualized worker data as inputs or outputs to determine or inform compensation, unless the employer can demonstrate all of the following:

- (1) The input data is directly related to the ability of the worker to complete the task based on his education, training, experience, or seniority.

- (2) The inputs used are clearly communicated to the worker such that the worker knows his compensation is a function of the identified attributes.
- (3) He does not use the ADS more than once per a six-month period per worker.
- (4) He does not use the ADS for the purpose of hiring, promoting, or making any other meaningful changes in work duties.

Proposed law prohibits an employer from using customer ratings as the only or primary input data for an ADS to make employment-related decisions.

Proposed law allows a worker to request a copy of his own data, within the last 12 months, that was used by an ADS to make a discipline, termination, or deactivation decision. Proposed law provides, however, that the worker is only allowed to request one copy every 12 months.

Proposed law requires an employer to provide written notice to an affected worker, if the employer primarily relies on an ADS to make a discipline, termination, or deactivation decision. Proposed law requires the notice to satisfy the following requirements:

- (1) Written in plain language as a separate, standalone communication.
- (2) In the language in which routine communications and other information are provided to workers.
- (3) Provided via a simple and easy-to-use method, including but not limited to an email, hyperlink, or other written format.

Proposed law provides that the notice shall contain all of the following:

- (1) The human individual to contact for more information about the decision and the ability to request a copy of the worker's own worker data relied on in the decision.
- (2) That the employer used an ADS to assist the employer in any discipline, termination, or deactivation decisions with respect to the worker.
- (3) That the worker has the right to request a copy of the worker's data used by the ADS.
- (4) That the employer is prohibited from retaliating against the worker for exercising his right.
- (5) The worker's right to appeal the decision as provided in proposed law (R.S. 23:975).

Proposed law provides that, if an employer has used an ADS to make an employment-related decision about a worker, the affected worker shall have the right to appeal that decision, request a human review, request submission of additional information, and correct any errors in the data used by the ADS.

Proposed law provides that an employer or a vendor that used an ADS to make an employment-related decision shall provide an affected worker with a form or a hyperlink to an electronic form that provides that the worker has a right to appeal the decision within 30 days from the date that the worker was notified.

Proposed law requires the appeal form to include all of the following:

- (1) The option to request access to the data used as input to or as output from the ADS.

- (2) The option to request access to any corroborating or supporting evidence provided by a human reviewer to verify output from the ADS.
- (3) The worker's reason or justification for an appeal and any evidence to support the appeal.
- (4) A designation for an authorized representative who can also access the data.

Proposed law states that an employer who complies with the notice requirements as required by proposed law shall not be required to comply with any other state law with substantially similar notice provisions related to automated decision systems used for employment-related decisions.

Proposed law prohibits an employer from taking certain retaliatory actions against a worker for using or attempting to exercise his rights, alleging a violation, cooperating in the investigation or prosecution of an alleged violation, or taking any action to invoke or assist in the enforcement of proposed law.

Proposed law provides that an employer shall not be prohibited from complying with regulatory or contractual requirements concerning products or services for the federal government.

Proposed law provides that proposed law shall not apply to parties covered by a collective bargaining agreement if the agreement explicitly waives proposed law in clear and unambiguous terms, expressly provides for the wages or earnings, working conditions, and other terms and conditions of work, and provides protection from algorithmic management.

Proposed law provides that nothing in proposed law shall preempt any city or parish ordinance that provides equal or greater protection to workers who are covered in proposed law.

Proposed law provides that an employer who violates proposed law shall be subjected to a civil penalty of \$500.

Proposed law requires La. Works to enforce proposed law by investigating alleged violations, issuing citations against an employer, and ordering appropriate temporary relief to mitigate violations or maintain the status quo pending the completion of a full investigation or hearing.

Proposed law requires a civil action to be brought in the judicial district court in the parish where the violation occurred, the employee resides, employer is located.

Proposed law authorizes and directs La. Works to promulgate rules and regulations necessary for the implementation of proposed law.

(Adds R.S. 23:971-980)