

2026 Regular Session

SENATE BILL NO. 169

BY SENATOR TALBOT

GENETICS. Provides relative to biomarker testing. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 22:1028.5(D) and to enact R.S. 22:1028.5(B)(4) and (F), relative
3 to biomarker testing; to clarify what constitutes clinical utility; to prevent coverage
4 from being nullified through lab classification; to provide for construction of laws;
5 to provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:1028.5(D) is hereby amended and reenacted and R.S.
8 22:1028.5(B)(4) and (F) are hereby enacted to read as follows:

9 §1028.5. Required coverage for biomarker testing

10 * * *

11 B.(1) * * *

12 * * *

13 **(4) For purposes of this Section, clinical utility shall be deemed**
14 **demonstrated when a biomarker test meets any one of the criteria listed in**
15 **Paragraph (2) of this Subsection.**

16 * * *

17 D.**(1)** A health coverage plan shall ensure that the coverage prescribed in

1 Subsection B of this Section is provided in a manner that limits disruptions in care,
2 including the need for multiple biopsies or biospecimen samples.

3 **(2) Coverage required under Subsection B of this Section shall apply to**
4 **the covered biomarker test itself and shall not be conditioned on laboratory**
5 **classifications or credentialing standards unrelated to the performance of the**
6 **covered test.**

7 * * *

8 **F. To the extent there is a conflict between the provisions of this Section**
9 **and R.S. 22:1028.3, the provisions of this Section shall prevail.**

10 Section 2. This Act shall become effective upon signature by the governor or, if not
11 signed by the governor, upon expiration of the time for bills to become law without signature
12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
13 vetoed by the governor and subsequently approved by the legislature, this Act shall become
14 effective on the day following such approval.

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)]

DIGEST

SB 169 Engrossed

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Talbot

Present law requires coverage for biomarker testing when clinical utility is demonstrated.

Proposed law retains present law.

Proposed law clarifies how clinical utility is established.

Proposed law prohibits conditioning coverage on laboratory classifications or credentialing standards unrelated to the performance of the covered test.

Proposed law resolves any inconsistencies between present law relative to coverage for genetic testing to screen for cancer and present law relative to biomarker testing of existing conditions.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 22:1028.5(D); adds R.S. 22:1028.5(B)(4) and (F))