

2022 Regular Session

SENATE BILL NO. 141

BY SENATOR MORRIS

INSURANCE POLICIES. Prohibits insurance companies from requiring a person or business to have a certain vaccination status or requiring information from an applicant or policyholder regarding vaccination status. (8/1/22)

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 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**

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,**

1 limited liability partnership, sole proprietorship, or other legal entity that is  
2 presently covered by an insurer.

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

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

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

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

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

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

25 (8) "Vaccination" means the act of introducing a vaccine into the body  
26 to produce protection to a specific disease.

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

29 B. No insurer shall require or request that an individual, family member,

1 or business applying or enrolling for coverage under the insurance plan, or any  
2 individual, family member, or business that is presently covered, be subjected  
3 to questions relating to vaccination status.

4 **C. No insurer shall:**

5 **(1) Require or request that a business applying or enrolling for coverage**  
6 **under the insurance plan, or a business that is presently covered, adopt any**  
7 **policies or procedures for vaccination status.**

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

12 **D. No insurer, in determining eligibility for coverage, establishing**  
13 **premiums, limiting coverage, or any other underwriting purpose for an**  
14 **individual, family member, or business applying or enrolling, or any individual,**  
15 **family member, or business that is presently covered, shall do the following:**

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

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

20 **(3) Terminate, deny, restrict, limit, exclude, or otherwise apply**  
21 **conditions on any individual, family member, or business based on vaccination**  
22 **status.**

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

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

29 **(6) Otherwise discriminate against an individual, family member, or**

1           business in the provisions of the insurance plan based on the individual's, family  
 2           member's, or business's vaccination status.

3           E. Notwithstanding any other provisions, this Section and the  
 4           requirements contained in this Section shall not apply to life insurance or  
 5           annuity products, retirement plans, long-term care insurance, disability income  
 6           insurance, reinsurance, or dental, vision, and other supplemental benefit  
 7           products.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Beth O'Quin.

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## DIGEST

SB 141 Engrossed

2022 Regular Session

Morris

Proposed law defines the following terms:

- (1) "Business" means a corporation, association, partnership, limited liability company, limited liability partnership, sole proprietorship, or other legal entity eligible to apply or enroll for coverage under the insurance plan, or a corporation, association, partnership, limited liability company, limited liability partnership, sole proprietorship, or other legal entity presently covered by an insurer.
- (2) "Family member" means a person eligible to be covered under the individual's insurance plan or a person presently covered by an insurer.
- (3) "Individual" means an applicant eligible to apply or enroll for coverage under the insurance plan or a person presently covered by an insurer.
- (4) "Insurer" means an authorized insurer as defined under present law that engages in the business of making health, property, casualty, and liability insurance plans, which includes employees of the insurer, insurance producers, vendors, third-party administrators, and managing general agents.
- (5) "Insurance plan" means a policy, contract, certificate, or agreement entered into, offered, or issued by an insurer that provides, delivers, arranges for, pays for, or reimburses any of the costs of services.
- (6) "Underwriting purposes" means the rules for or the determination of eligibility, including the application or enrollment, or the continued eligibility, for benefits covered under the insurance plan, for the computation of premium or contribution amounts under the insurance plan, and other activities relating to the creation, renewal, or replacement of the insurance plan issued, renewed, or delivered by an insurer.
- (7) "Vaccine" means a preparation used to stimulate the body's immune response against diseases, usually administered through needle injections, but which could be administered by mouth or sprayed into the nose.
- (8) "Vaccination" means the act of introducing a vaccine into the body to produce protection to a specific disease.

- (9) "Vaccination status" means an indication of whether an individual, family member, or business received one or more doses of a vaccine.

Proposed law prohibits an insurer from requiring or requesting that an individual, family member, or business applying or enrolling for coverage under the insurance plan, or an individual, family member, or business presently covered under the insurance plan, provide a vaccination status.

Proposed law prohibits an insurer from requiring or requesting that a business applying or enrolling for coverage under the insurance plan, or a business presently covered under the insurance plan, adopt policies and procedures for vaccination status or provide information as to whether such policies and procedures have been adopted.

Proposed law prohibits an insurer, in determining the eligibility for coverage, establishing premiums, limiting coverage, or any other underwriting purposes for an individual, family member, or business that applies or enrolls for coverage under the insurance plan, or an individual, family member, or business presently covered, from doing the following:

- (1) Requiring, requesting, or purchasing information on an individual's, family member's, or business's vaccination status.
- (2) Requiring or requesting that an individual, family member, or business receive a vaccine as a requirement for coverage.
- (3) Terminating, denying, restricting, limiting, excluding, or otherwise applying conditions on any individual, family member, or business based on vaccination status.
- (4) Imposing a rider that excludes coverage for certain benefits or services under the insurance plan, or restricting the sale of the insurance plan based on the individual's, family member's, or business's vaccination status.
- (5) Establishing differentials in premium rates or cost sharing for coverage under the insurance plan based on the individual's, family member's, or business's vaccination status.
- (6) Otherwise discriminating against an individual, family member, or business in the provisions of the insurance plan based on the individual's, family member's, or business's vaccination status.

Proposed law excludes life insurance, annuity products, retirement plans, long-term care insurance, reinsurance, dental, vision, and other supplemental benefits from the vaccination status prohibition.

Effective August 1, 2022.

(Adds R.S. 22:860.1)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Insurance to the original bill

1. Removes insurers vaccination prohibition for life insurance and annuity products.

2. Removes life insurance, annuity products, retirement plans, long-term care insurance, disability income insurance, reinsurance, dental, vision, and other supplemental benefit products from the vaccination status prohibition.