

2026 Regular Session

HOUSE BILL NO. 591

BY REPRESENTATIVES GREEN AND CHASSION

1 AN ACT

2 To enact Subpart I-1 of Part 3 of Chapter 4 of Title 22 of the Louisiana Revised Statutes of  
3 1950, to be comprised of R.S. 22:1192.1 through 1192.4, relative to paid family  
4 leave insurance; to provide for definitions; to establish guidelines for paid leave  
5 insurance; to provide for eligibility; to provide for an effective date; and to provide  
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Subpart I-1 of Part 3 of Chapter 4 of Title 22 of the Louisiana Revised  
9 Statutes of 1950, comprised of R.S. 22:1192.1 through 1192.4, is hereby enacted to read as  
10 follows:

11 SUBPART I-1. PAID FAMILY LEAVE INSURANCE ACT

12 §1192.1. Short title

13 This Subpart shall be known and may be cited as "Paid Family Leave  
14 Insurance Act".

15 §1192.2. Purpose

16 A. The purpose of this Subpart is to create a new line of insurance, known  
17 as paid family leave insurance, under which any insurer licensed to transact life  
18 insurance or disability income insurance business in this state may be authorized to  
19 issue policies covering such risk.

1           B. An insurance company licensed to issue life insurance or disability  
 2           income insurance policies in accordance with this Subpart may also offer paid family  
 3           leave benefits providing wage replacement caused by absences that are not based  
 4           upon an insured's status as disabled. Such benefits may be offered either through a  
 5           rider to a policy of disability income insurance or as a separate policy and shall do  
 6           all the following:

7                   (1) Comply with the relevant sections of this Subpart.

8                   (2) Comply with the federal Social Security Act disability income insurance  
 9           filing requirements.

10           §1192.3. Definitions

11                   As used in this Subpart, the following terms have the meanings ascribed to  
 12           them:

13                   (1) "Armed forces of the United States" means the armed forces or reserves  
 14           of the United States, which includes the Army, Navy, Marine Corps, Coast Guard,  
 15           Air Force, Space Force, and the reserve components thereof, the National Guard, the  
 16           Military Reserves, or the naval militia.

17                   (2) "Child" means an individual who meets the criteria in Subparagraphs (a)  
 18           and (b) of this Paragraph:

19                   (a) A person who is either of the following:

20                   (i) Under eighteen years of age.

21                   (ii) Eighteen years of age or older and incapable of self-care because of a  
 22           mental or physical disability.

23                   (b) That person is also either of the following:

24                   (i) A biological, adopted, or foster son or daughter.

25                   (ii) A stepson or stepdaughter.

26                   (iii) A legal ward.

27                   (iv) A son or daughter of a domestic partner.

28                   (v) A son or daughter of a person to whom the employee stands in loco  
 29           parentis.

1           (3) "Family leave" is any leave taken by an employee from work for reasons  
2           enumerated in Section 103 of the Family and Medical Leave Act.

3           (4) "Family leave insurance" means an insurance policy issued to an  
4           employer related to a benefit program provided to an employee to pay for a  
5           percentage or portion of the employee's income loss due to any of the following:

6           (a) The birth of a child or adoption of a child by the employee.

7           (b) Placement of a child with the employee for foster care.

8           (c) Care of a family member of the employee who has a serious health  
9           condition.

10          (d) Circumstances arising out of the fact that the employee's family member  
11          who is a service member is on active duty or has been notified of an impending call  
12          or order to active duty.

13          (5) "Family member" means a child, spouse, parent, or any other person  
14          defined as a "family member" pursuant to R.S. 40:2024.2(5).

15          (6) "Healthcare provider" has the same meaning as provided in R.S. 22:1831.

16          (7) "Parent" means a biological, foster, or adoptive parent, a stepparent, a  
17          legal guardian, or other person who stood in loco parentis to the employee when the  
18          employee was a child.

19          (8)(a) "Serious health condition" means an illness, injury, impairment, or  
20          physical or mental condition, including transplantation preparation and recovery  
21          from surgery related to organ or tissue donation, that involves inpatient care in a  
22          hospital, hospice, or residential healthcare facility, continuing treatment or  
23          continuing supervision by a healthcare provider as defined in the insurance policy.

24          (b) Continuing supervision by a healthcare provider includes a period of  
25          incapacity which is permanent or long term due to a condition for which treatment  
26          may not be effective and where the family member need not be receiving active  
27          treatment by a healthcare provider.

28

1           §1192.4. Paid family leave insurance benefits; eligibility payment of benefits;  
 2                           premiums and riders

3           A. Family leave benefits may be provided for any leave taken by an  
 4           employee from work to do any of the following:

5                           (1) Participate in providing care, including physical or psychological care,  
 6           for a family member of the employee made necessary by a serious health condition  
 7           of the family member.

8                           (2) Bond with the employee's child during the first twelve months after the  
 9           child's birth, or the first twelve months after the placement of the child for adoption  
 10           or foster care with the employee.

11                           (3) Address a qualifying exigency as interpreted under the Family and  
 12           Medical Leave Act, 29 U.S.C. 2612(a)(1)(e) and 29 C.F.R. 825.126(a)(1)-(8), arising  
 13           out of the fact that the spouse, child, or parent of the employee is on active duty, or  
 14           has been notified of an impending call or order to active duty, in the armed forces of  
 15           the United States.

16                           (4) Care for a family service member injured in the line of duty.

17                           (5) Take other leave to provide care for a family member or other family  
 18           leave as specified in the policy of insurance.

19           B. The policy of insurance shall set forth the length of family leave benefits  
 20           that are available for each covered family leave reason, which will in no event be less  
 21           than two weeks during a period of fifty-two consecutive calendar weeks. Fifty-two  
 22           consecutive calendar weeks may be calculated by any of the following:

23                           (1) A calendar year.

24                           (2) Any fixed period starting on a particular date such as the effective or  
 25           anniversary date.

26                           (3) The period measured forward from the employee's first day of family  
 27           leave.

28                           (4) A rolling period measured by looking back from the employee's first day  
 29           of family leave.

30                           (5) Any other method that is specified in the policy of insurance.

1           C. The policy of insurance shall set forth whether there is an unpaid waiting  
2           period and, if so, the terms and conditions of the unpaid waiting period, which may  
3           include but are not limited to any of the following:

4                   (1) Whether the waiting period runs over a consecutive calendar day period.

5                   (2) Whether the waiting period is counted toward the annual allotment of  
6           family leave benefits or is in addition to the annual allotment of family leave  
7           benefits.

8                   (3) Whether the waiting period must be met only once per benefit year or  
9           must be met for each separate claim for benefits.

10                  (4) Whether the employee may work or receive paid time off or other  
11           compensation by the employer during the waiting period.

12                  D.(1) The policy of insurance shall set forth all of the following:

13                   (a) The amount of benefits that will be paid for covered family leave reasons.

14                   (b) The definition of the wages or other income upon which the amount of  
15           family leave benefits will be based.

16                   (c) How such wages or other income will be calculated.

17                  (2) If the family leave benefits are subject to offsets for wages or other  
18           income received or for which the insured may be eligible, the policy shall set forth  
19           all of the following:

20                   (a) All such wages or other income that may be set off.

21                   (b) The circumstances under which it may be offset.

22                  E. Eligibility for family leave benefits in accordance with this Section may  
23           be limited, excluded, or reduced, but any limitations, exclusions, or reductions shall  
24           be set forth in the policy of insurance. Permissible limitations, exclusions, or  
25           reductions may include but are not limited to any of the following reasons:

26                   (1) For any period of family leave wherein the required notice and medical  
27           certification as prescribed in the policy have not been provided.

28                   (2) For any family leave related to a serious health condition or other harm  
29           to a family member brought about by the willful intention of the employee.

1                   (3) For any period of family leave during which the employee performed  
 2                   work for remuneration or profit.

3                   (4) For any period of family leave for which the employee is eligible to  
 4                   receive from his or her employer, or from a fund to which the employer has  
 5                   contributed, remuneration or maintenance.

6                   (5) For any period of family leave in which the employee is eligible to  
 7                   receive benefits under any other statutory program or employer-sponsored program,  
 8                   including but not limited to unemployment insurance benefits, worker's  
 9                   compensation benefits, statutory disability benefits, statutory paid leave benefits, or  
 10                  any paid time off or employer's paid leave policy.

11                  (6) For any period of family leave commencing before the employee  
 12                  becomes eligible for family leave benefits under the policy.

13                  (7) For periods of family leave where more than one person seeks family  
 14                  leave for the same family member.

15                  F. Family leave benefits provided pursuant to this Section shall be paid  
 16                  periodically and promptly except as to a contested period of family leave, which  
 17                  shall be subject to any of the provisions of the federal Family and Medical Leave  
 18                  Act.

19                  G.(1) Premiums for policies or riders providing paid family leave benefits  
 20                  in accordance with this state's insurance laws shall be calculated in accordance with  
 21                  applicable provisions of the federal Social Security Act guidelines.

22                  (2) Policies of insurance issued pursuant to this Section may offer coverage  
 23                  for paid family leave benefits or may offer paid family leave benefits as a rider to a  
 24                  policy of disability income insurance.

25                  H. Payment of benefits under any policy or rider providing paid family leave  
 26                  benefits pursuant to this Subpart shall not be deemed wages in lieu of workers'  
 27                  compensation benefits and shall not interrupt prescription for any claim arising under  
 28                  Chapter 10 of Title 23 of the Louisiana Revised Statutes of 1950.

29                  Section 2. This Act shall become effective upon signature by the governor or, if  
 30                  not signed by the governor, upon expiration of the time for bills to become law without

1 signature by the governor, as provided by Article III, Section 18 of the Constitution of  
2 Louisiana. If vetoed by the governor and subsequently approved by the legislature, this  
3 Act shall become effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_