

ACT No. 817

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.

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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.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____