

2022 Regular Session

HOUSE BILL NO. 535

BY REPRESENTATIVE AMEDEE

INSURANCE/HEALTH: Prohibits group health plan and life insurance policy issuers from denying coverage or offering incentives based upon vaccination status

1 AN ACT

2 To enact R.S. 22:1023.2, relative to insurance; to prohibit group health plan and life
3 insurance policy issuers from using vaccination statuses to adversely affect coverage;
4 to prohibit issuers from providing incentives based on the vaccination statuses of
5 patients; to provide for penalties and civil actions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:1023.2 is hereby enacted to read as follows:

8 §1023.2. Prohibited discrimination; vaccine mandates and use of vaccination status
9 prohibited; group health and life insurance; cease and desist; penalties; civil
10 remedies

11 A. A group health plan or life insurance policy issuer offering insurance
12 coverage in this state shall not use vaccination status information to reject, deny,
13 limit, cancel, refuse to renew, increase the premiums for, limit the amount, extent,
14 or kind of coverage available to the insured, or otherwise adversely affect eligibility
15 for, or deny a claim or any portion thereof under the group health plan or life
16 insurance policy.

17 B. A group health plan issuer shall not do any of the following:

18 (1) Use the vaccination status of the patients of a healthcare provider as a
19 qualification or requirement for contracting with the provider or as a basis for
20 terminating a contract with the provider.

1 (2) Use the vaccination status of individuals covered by a group health plan
2 as a factor in the rating of a group health plan.

3 (3) Use the vaccination status of individuals covered by a group health plan
4 as a factor for providing financial incentives or financial or other penalties on a
5 participating provider.

6 C.(1) Penalties, civil remedies, cease and desist. The commissioner may
7 issue a cease and desist order upon an issuer described in this Section that violates
8 any provision of this Section.

9 (2) In addition to the penalties and other enforcement provisions of this Title,
10 if an issuer violates this Section, the commissioner may seek an injunction in a court
11 of competent jurisdiction and may apply for temporary and permanent orders that the
12 commissioner determines are necessary to restrain the issuer from committing the
13 violation.

14 (3) Any person damaged by the acts of an issuer in violation of this Section
15 may bring a civil action against the issuer committing the violation in a court of
16 competent jurisdiction.

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 535 Original

2022 Regular Session

Amedee

Abstract: Prohibits group health plan and life insurance policy issuers from denying coverage or rejecting claims based upon immunization status and provides for penalties and civil actions.

Proposed law prohibits a group health plan or life insurance policy issuer from using vaccination status information to reject, deny, limit, cancel, refuse to renew, increase the premiums for, limit the amount, extent, or kind of coverage available to the insured, or otherwise adversely affect eligibility for, or deny a claim or any portion thereof under the group health plan or life insurance policy.

Proposed law prohibits a group health plan issuer from doing any of the following:

- (1) Using the vaccination status of the patients of a healthcare provider as a qualification or requirement for contracting with the provider or as a basis for terminating the contract with the provider.

- (2) Using the vaccination status of individuals covered by a group health plan as a factor in the rating of a group health plan.
- (3) Using the vaccination status of individuals covered by a group health plan as a factor in terms of providing financial incentives or financial or other penalties on a participating provider.

Proposed law authorizes the commissioner to issue a cease and desist order including penalties and other enforcement provisions provided for in the La. Insurance Code upon an issuer that violates proposed law. Further authorizes the commissioner to seek an injunction in a court of competent jurisdiction and apply for temporary and permanent orders that the commissioner determines as necessary to restrain the issuer from committing the violation.

Proposed law authorizes any person damaged by the acts of an issuer in violation of proposed law to bring a civil action against the issuer in a court of competent jurisdiction.

(Adds R.S. 22:1023.2)