

2022 Regular Session

HOUSE BILL NO. 354

BY REPRESENTATIVE HODGES

PUBLIC HEALTH: Prohibits local governmental subdivisions from requiring proof of medical status as a condition of participating in a constitutionally protected activity

1 AN ACT

2 To enact R.S. 40:7.1, relative to vaccinations and other aspects of personal medical status;  
3 to prohibit local governments from requiring proof or disclosure of medical status  
4 as a condition of participating in a constitutionally protected activity; and to provide  
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:7.1 is hereby enacted to read as follows:

8 §7.1. Vaccinations and medical status; disclosure; local requirement prohibited

9 A.(1) The legislature finds that clarity of leadership and singularity of  
10 message in communicating with citizens are essential elements of an effective  
11 response to a public health emergency.

12 (2) The legislature further finds that allowing local governments in Louisiana  
13 to respond to a public health emergency with various and potentially conflicting  
14 health status disclosure requirements is not an effective exercise of the police powers  
15 of the state that have been entrusted to the legislature by the people of the state via  
16 Article VI, Section 9 of the Constitution of Louisiana.

17 (3) Therefore, the legislature declares it is the policy of the state of Louisiana  
18 that the state alone, and not local governments, may regulate the disclosure of  
19 confidential medical records, so long as such disclosure is not in violation of the  
20 Constitution of Louisiana or the Constitution of the United States of America.

1           B.(1) The right of the people peaceably to assemble, to petition the  
2           government for a redress of grievances, and to participate in commerce are all  
3           fundamental rights; therefore, no parish or municipal government shall require a  
4           vaccine passport, either directly or indirectly, as a condition of participating in a  
5           constitutionally protected activity.

6           (2) No parish or municipal government shall require a person to share his  
7           medical status, either directly or indirectly, as a condition of participating in a  
8           constitutionally protected activity.

9           C. Nothing in this Section is intended to prohibit local government from  
10          limiting access to public events to any person who openly exhibits signs of an  
11          infectious or communicable disease, regardless of the person's medical status;  
12          however, no person shall be subjected to discrimination that is prohibited by the  
13          Americans for Disabilities Act.

14          D. As used in this Section, the following definitions apply:

15          (1) "Medical status" means a person's private medical records related to  
16          whether or not a person has received a vaccine, a certain medical test, or a medical  
17          treatment related to one or more diseases.

18          (2) "Vaccine passport" means any of the following:

19          (a) A physical card or piece of paper providing proof of vaccination or other  
20          medical status related to one or more communicable diseases.

21          (b) A digital document providing proof of vaccination or other medical status  
22          related to one or more communicable diseases.

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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)]

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HB 354 Original

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Hodges

**Abstract:** Prohibits parish and municipal governments from requiring a person to prove or disclose his medical status related to diseases as a condition of participating in a constitutionally protected activity.

Proposed law provides legislative findings, and declarations, and definitions.

Proposed law provides that no parish or municipal government shall require a person to share his medical status to participate in a constitutionally protected activity.

(Adds R.S. 40:7.1)