

2020 Second Extraordinary Session

HOUSE BILL NO. 49

BY REPRESENTATIVE MCCORMICK

PUBLIC HEALTH: Provides for immunizations or vaccinations relative to COVID-19
(Item #40)

1 AN ACT

2 To enact Part XI of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 40:1123.1 and 1123.2, relative to receiving an immunization or
4 vaccination for COVID-19; to provide for definitions; to provide for persons entering
5 school or early learning centers, and for persons obtaining employment or a license
6 or certification; to prohibit a requirement for COVID-19 vaccinations; to provide
7 conditions for a vaccination to be administered; to provide for exceptions; to provide
8 for discrimination for refusal to receive an immunization or vaccination; to provide
9 for applicability; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Part XI of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of
12 1950, comprised of R.S. 40:1123.1 and 1123.2, is hereby enacted to read as follows:

13 PART XI. COVID-19

14 §1123.1. Definitions

15 As used in this Part, the following terms have the meanings ascribed to them
16 unless otherwise provided for or unless the context otherwise indicates:

17 (1) "Department" means the Louisiana Department of Health.

18 (2) "Early learning center" means any child day care center, Early Head Start
19 Center, Head Start Center, or stand-alone prekindergarten program not attached to
20 a school.

1 (3) "FDA" means the United States Food and Drug Administration.

2 (4) "Permanent disability" means any permanent condition, whether
3 congenital or due to injury or disease, of such seriousness as to constitute a hindrance
4 or obstacle which substantially limits one or more major life activities of an
5 individual.

6 (5) "School" means elementary and secondary schools, kindergartens,
7 colleges, universities, proprietary schools, or vocational schools.

8 §1123.2. Administering of COVID-19 vaccinations; prohibitions; conditions;
9 exceptions

10 A.(1) Notwithstanding any other provision of law, no person shall be required
11 to receive an immunization or vaccination for SARS-CoV-2, referred to hereafter in
12 this Section as "COVID-19", for enrollment in a school or early learning center, or
13 as a condition of employment or for obtaining any licensing or certification, if no
14 COVID-19 vaccination approved by the FDA is available.

15 (2) If an FDA-approved COVID-19 vaccination is available, then no person
16 shall be required to receive the vaccination for any purpose in Paragraph (1) of this
17 Subsection unless all of the following conditions are met:

18 (a) The vaccination is evaluated for any potential risk of harm to cause
19 cancer, impair fertility, or mutate genes.

20 (b) The safety of the vaccination is evaluated for at least one year after it is
21 administered through a clinical trial against a control group, the members of which
22 receive either the vaccination or an inert placebo which is FDA-approved.

23 (c) Studies are conducted to identify any potential injury or disease that may
24 be caused by the vaccination or any injury or disease the vaccination may cause
25 when administered with other required or recommended vaccinations.

26 (d) The risk of permanent disability or death from receiving the vaccination
27 is proven to be less than the infection rate associated with COVID-19.

28 (e) The manufacturer of the vaccination is liable for any claims of injury or
29 death caused by the vaccination.

1 B. The department shall make data and information about the safety and
2 efficacy of any FDA-approved COVID-19 vaccination, including data and
3 information on any risk of harm associated with the administration of the
4 vaccination, available to the public on a website maintained by the department. The
5 data and information shall be presented in a manner that is understandable and
6 accessible to all persons.

7 C. No person shall be required to receive an immunization or vaccination if
8 he submits a written statement from a physician stating that the procedure is
9 contraindicated for a medical reason, a written statement objecting due to religious
10 or philosophical reasons, or a written objection from a parent or guardian, if the
11 person required to receive a vaccination is a minor.

12 D. Notwithstanding any other law to the contrary, no person shall be
13 discriminated against or coerced in any way for refusing to receive an immunization
14 or vaccination for COVID-19.

15 E. The provisions of this Section shall supersede any other provision of law
16 to the contrary.

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 49 Original

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McCormick

Abstract: Prohibits any requirement for persons to receive an immunization or vaccination for COVID-19 if there is no FDA-approved vaccine and several conditions have been met.

Proposed law provides that as a condition of enrollment in a school or early learning center, obtaining employment or any licensing or certification, no person shall be required to receive an immunization or vaccination for COVID-19, if there is no FDA-approved vaccination available.

Proposed law provides that if a vaccination is available, then no person shall be required to receive the vaccination unless all of the following conditions are met:

- (1) The vaccination is evaluated for any potential risk of harm to cause cancer, fertility issues, or mutate genes.

- (2) The safety of the vaccination has been tested for at least one year on a controlled group who receives either the actual vaccination or an inert placebo to test its effectiveness.
- (3) Studies are conducted to identify any potential injury or disease caused by the vaccination or when the vaccination is administered with other required or recommended vaccinations.
- (4) The rate of permanent disability or death from receiving the vaccination is less than the infection rate associated with the virus.
- (5) The manufacturer of the vaccine has availed himself for liability for any injury or disease caused by the vaccination.

Proposed law provides that the La. Dept. of Health shall provide any and all data and information about the safety and effectiveness of any FDA-approved vaccine on a public website maintained by the department. Proposed law further provides that the information shall be accessible by all persons seeking to find out information about the vaccination.

Proposed law provides that any person may submit either a written statement from a physician stating that the procedure is contraindicated for a medical reason, a written statement objecting due to religious or philosophical reasons, or if a minor, a written objection from a parent or guardian.

Proposed law provides that no person shall be discriminated against or coerced in any way for refusing to receive an immunization or vaccination for COVID-19.

Proposed law provides that the provisions of proposed law shall supersede any other provision of law to the contrary.

(Adds R.S. 40:1123.1 and 1123.2)