



**State of Louisiana**  
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VIA EMAIL: emailing [facultysenate@lsu.edu](mailto:facultysenate@lsu.edu)  
LSU Faculty Senate  
Magnolia Room 301  
LSU Union

RE: December 7, 2021 LSU Faculty Senate Meeting, Agenda Item 21-06

Dear Members of the Faculty Senate:

I am writing to express concerns relative to the agenda item listed as “A Call to Bring LSU’s Vaccination Mandate into Conformity with State Law and National Guidelines,” and I want to make sure you are aware of the most recent pronouncement by the Louisiana Legislature. On December 6, 2021, the Louisiana Legislature, through the House Health and Welfare Committee, voted to stop any attempt by the Department of Health from adding the COVID-19 vaccine to the list of required immunizations for school entry. Vaccine mandates are policy considerations that require Legislative action. Further, to the extent LSU is relying on La. R.S. 17:170 as authority to mandate COVID-19 vaccines, there are several things that you need to consider.

First, La. R.S. 17:170(A)(1)(a) limits the immunization schedule to vaccine-preventable diseases. The duration of protection from severe disease and death is still unknown when it comes to the COVID-19 vaccine. Unlike the vaccines specifically listed in La. R.S. 17:170, which have long-term effectiveness, the CDC states, “[i]t’s not yet known how long COVID-19 vaccine protection lasts. Recent studies show that protection against the virus may decrease over time. This reduction in protection has led CDC to recommend certain groups get a booster shot at least 6 months after completing their initial vaccination series.”

Louisiana Revised Statute 17:170 only requires evidence of immunity on two groups of people (1) each person entering any school system within the state for the *first time* and (2) each person entering the sixth grade.

Without limitation or condition, students in Louisiana are entitled by law to opt out of otherwise required vaccinations by simply dissenting. La. R.S. 17:170 (D). Nothing in State law permits a school to override a student’s written dissent. LSU is not just bound to honor the students’ dissent, but has a corollary duty to protect those rights.

Additionally, medical objectors can obtain a waiver by providing the school with a physician’s written statement confirming a medical contradiction preventing vaccination. La. R.S.

17:170(E). Or a student can submit satisfactory proof of immunity to or immunization against vaccine-preventable diseases.” La. R.S. 17:170 (A) (1) (a).

Louisiana Revised Statute 17:170 requires LSU to accept a student’s religious exemption for a vaccine mandate. Louisiana law also recognizes the right to be free from “creed” discrimination in public education. This right includes freedom from discrimination based on both religious and non-religious beliefs. The following Louisiana laws are applicable.

**La. Const. Art. 1, Section 8:**

No law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof.

**La. Const. Art. 1, Section 12:**

In access to public areas, accommodations, and facilities, every person shall be free from discrimination based on... religion.

**La. R.S. 13:5231-32:**

Effective August 15, 2020, the Louisiana Legislature enacted the “Preservation of Religious Freedom Act” (“PRFA”), Section 5232 provides that “The legislature finds and declares that: (1) Free exercise of religion is a fundamental right of the highest order in this state.”

I believe mandating the COVID-19 vaccine as opposed to recommending the COVID-19 vaccine is problematic. Further, I caution you from adopting any policy that would remove a student’s right to dissent from vaccine. Any attempt to retaliate against or discriminate against a student that chooses to dissent to vaccine mandates would be a violation of state law, and it may subject the university and its employees to lawsuits or liability.

For Louisiana,



Jeff Landry  
Attorney General