

NINETEENTH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE, STATE OF LOUISIANA

NUMBER:

DIVISION:

REPRESENTATIVE RAYMOND J. CREWS AND THE STATE OF LOUISIANA THROUGH
JEFF LANDRY, IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL AND CHIEF
LEGAL OFFICER OF THE STATE OF LOUISIANA

VERSUS

GOVERNOR JOHN BEL EDWARDS

PETITION FOR DECLARATORY AND INJUNCTIVE RELIEF

MAY IT PLEASE THE COURT:

NOW INTO COURT, through undersigned counsel, comes Representative Raymond J. Crews and Attorney General Jeff Landry who file this Petition, representing as follows:

PLAINTIFFS

Plaintiffs herein are:

1.

Representative Raymond J. Crews, in his official capacity as an elected member of the Louisiana House of Representatives and a member of the House Health and Welfare Committee.

2.

Jeff Landry, in his official capacity as Attorney General and chief legal officer of the State of Louisiana, on behalf of the State of Louisiana. Jeff Landry is the duly elected Attorney General for the State of Louisiana and is the chief legal officer of the State of Louisiana, charged with the assertion and protection of the rights and interests of the State of Louisiana, its taxpayers, and citizens. Jeff Landry has a sworn duty to uphold the Constitution and laws of this State.

3.

Louisiana Constitution Article IV, § 8 provides:

There shall be a Department of Justice, headed by the attorney general, who shall be the chief legal officer of the state. The attorney general shall be elected for a term of four years at the state general election. The assistant attorneys general shall be appointed by the attorney general to serve at his pleasure.

As necessary for the assertion or protection of any right or interest of the state, the attorney general shall have authority (1) to institute, prosecute, or intervene in any civil action or proceeding; (2) upon the written request of a district attorney, to advise and assist in the prosecution of any criminal case; and (3) for cause, when authorized by the court which would have original jurisdiction and subject to judicial review, (a) to institute, prosecute, or intervene in any criminal action or proceeding, or (b) to supersede any attorney representing the state in any civil or criminal action.

The attorney general shall exercise other powers and perform other duties authorized by this constitution or by law.

(Emphasis added.)

4.

The Attorney General also has a right to be heard on any matter where the constitutionality of a law is at issue, pursuant to La. Code Civ. P. art. 1880.

5.

The Attorney General has the responsibility to ensure that the balance of power under La. Const. art. II, § 2 is upheld and to protect the interests of the State, ensuring that no branch of government or any person holding office in one of them shall exercise power belonging to either of the others.

DEFENDANT

6.

Defendant herein is John Bel Edwards, in his official capacity as the Governor of the State of Louisiana (the “Governor”).

JURISDICTION AND VENUE

7.

This Court has jurisdiction over this action pursuant to La. Const. art. V, § 16(A).

8.

Venue for this action is proper in East Baton Rouge Parish pursuant to La. R.S. 13:5104(A).

LDH’S NEW RULE

9.

The Louisiana Department of Health (“LDH”) is an executive branch agency.

10.

The executive head and chief administrative officer of LDH is the Secretary of Health and Hospitals, who is appointed by the Governor. La. R.S. 36:253. The Secretary of Health and Hospitals is “under the general control and supervision of the governor” and serves at the pleasure of the Governor. *Id.*

11.

The Secretary of Health and Hospitals is Dr. Courtney Phillips (“Secretary Phillips”).

12.

The Secretary of Health and Hospitals designates the State Health Officer, who executes the sanitary laws of the state and who, acting through the Office of Public Health, prepares, promulgates, and enforces rules and regulations within the Sanitary Code. La. R.S. 40:3 and 40:4.

13.

Secretary Phillips designated Dr. Joseph Kanter as the State Health Officer.

14.

On September 10, 2021, LDH filed a Notice of Intent to promulgate amendments to LAC 51:II.701, governing the administration of Louisiana’s immunization schedule for schools.

15.

LDH’s amendments to LAC 51:II.701 (the “New Rule”), alter LAC 51:II.701 by adding Paragraph (7) to Subsection (A) and adding new Subsection (E):

A. The Office of Public Health (OPH) will determine the Louisiana immunization schedule, with appropriate immunizations for age using the current immunization schedule from the Advisory Committee for Immunization Practice (ACIP) of the United States Public Health Service (USPHS). Compliance for school and day care center entry will be based on the individual having received an appropriate number of immunizations for his/her age of the following types:

....

7. vaccines for severe acute respiratory syndromecoronavirus 2 (SARS-CoV-2, the virus which causes Coronavirus Disease 2019, also known as COVID-19), or variants thereof, to the extent that such vaccines have been fully approved by the U.S. Food & Drug Administration (FDA) for the individual’s age.

....

E. Notwithstanding anything in this Section or Code to the contrary, and in addition to any other requirements of law, each individual entering or attending any school

within the state in-person shall present to such school satisfactory evidence of having received vaccination(s) in accordance with the dosing schedule, including any booster doses recommended by the U.S. Centers for Disease Control and Prevention (CDC), set forth in the applicable Vaccine Information Statement (VIS) for severe acute respiratory syndrome-coronavirus 2 (SARS-CoV-2, the virus which causes COVID-19), or known variants thereof, to the extent that such vaccines have been fully approved by the U.S. Food and Drug Administration (FDA) for the individual's age. Satisfactory evidence that administration of such vaccinations is in progress will satisfy this requirement. Each school in this state shall prohibit in-person attendance of any individual not vaccinated as required by this subsection, unless the individual submits a written statement from a physician stating that such vaccination is contraindicated for medical reasons, or the individual or his parent or guardian submits a written dissent. Each school in this state shall maintain records showing compliance of each attending individual with the requirements of this subsection. As used in this subsection, the term "school" shall include, but is not limited to, elementary and secondary schools, kindergartens, colleges, universities, proprietary schools, vocation schools, and licensed day care centers.

Exhibit A at pp. 3–4.

16.

The New Rule added vaccines for the virus that causes Coronavirus Disease 2019 ("COVID-19") to the immunization schedule for students.

17.

The New Rule applies to both public and private schools and includes elementary, secondary schools, kindergartens, colleges, universities, proprietary schools, vocational schools, and licensed day care centers. *See* La. R.S. 17:170.

18.

On September 10, 2021, Secretary Phillips transmitted the "First Report: Proposed Amendments to LAC 51:II.701 – Immunization Schedule" (the "First Report") via email to Senate President Page Cortez, House Speaker Clay Schexnayder, and the House and Senate Health and Welfare Committees.

19.

A true and correct copy of the First Report (and all its attachments) is attached to this Petition as Exhibit A.

20.

The First Report was required to contain the specific citation of the enabling legislation purporting to authorize the adoption, amendment, or repeal of the rule. La. R.S. 49:968(C).

21.

The First Report specified that the laws authorizing promulgation of the New Rule were La. R.S. 17:170 and La. R.S. 49:954, *et seq.* Exhibit A at p. 1.

22.

On September 20, 2021, the Louisiana Register published the September Edition of Volume 47, which included the Notice of Intent for the New Rule.

23.

A true and correct copy of the relevant pages of the Louisiana Register including the Notice of Intent for the New Rule is attached to this Petition as Exhibit B.

24.

On November 12, 2021, Secretary Phillips transmitted via email the “Second Report LAC 51.II.701 – Immunization Schedule” (the “Second Report”) to Senate President Page Cortez, House Speaker Clay Schexnayder, and the House and Senate Health and Welfare Committees. The Second Report indicates that LDH received no written comments or requests for a public hearing during the notice period, there were no substantive changes to the New Rule, and that LDH anticipates publishing the New Rule as a final rule on December 20, 2021.

25.

A true and correct copy of the Second Report (and all attachments thereto) is attached to this Petition as Exhibit C.

ACTION BY OVERSIGHT SUBCOMMITTEE

26.

Rule promulgation is an extension of the lawmaking function that the Legislature has delegated to state agencies.

27.

The Legislature has the authority to review and stop a state agency’s exercise of this delegated authority.

28.

On December 6, 2021, the House Health and Welfare Committee's oversight subcommittee (the "Oversight Subcommittee") held a legislative oversight hearing regarding the proposed adoption of the New Rule, pursuant to La. R.S. 49:968(D).

29.

The Oversight Subcommittee consisted of the entire membership of the House Health and Welfare Committee.

30.

The Oversight Subcommittee — by a bipartisan vote of 13 to 2, with Raymond Crews voting in the majority — found the New Rule unacceptable.

31.

The Oversight Subcommittee determined the following:

- A. The New Rule is not in conformity with the intent and scope of the enabling legislation purporting to authorize it;
- B. The New Rule is not in conformity with, and is contrary to, applicable provisions of law and of the Louisiana Constitution;
- C. The New Rule is not advisable; and
- D. The New Rule is unacceptable.

32.

On December 9, 2021, the Oversight Subcommittee provided to the Governor, LDH, and the Louisiana Register a written report containing the above findings.

33.

A true and correct copy of the Oversight Subcommittee's report is attached to this Petition as Exhibit D.

34.

The Oversight Subcommittee's finding — that the New Rule is unacceptable — precluded LDH from going forward with promulgating the New Rule, absent the Governor's disapproval of the action of the Oversight Subcommittee. *See* La. R.S. 49:968(G).

ACTION BY THE GOVERNOR

35.

On December 14, 2021, the Governor delivered to the House and Senate Health and Welfare Committees, LDH, and the Louisiana Register a copy of his written reasons for disapproving the action of the Oversight Subcommittee. *See* La. R.S. 49:968(G)–(J).

36.

A true and correct copy of the Governor's written reasons for disapproving the action of the oversight committee is attached to this Petition as Exhibit E.

37.

The Governor's action is a violation of La. Const. art. II, §§ 1 and 2 as the Governor is exercising power belonging to the legislative branch of government.

38.

Louisiana Revised Statute La. R.S. 49:968(G)–(J), providing, *inter alia*, the Governor's authority to disapprove the actions of an oversight subcommittee, provide in full as follows:

G. After receipt of the report of the subcommittee, the governor shall have ten calendar days in which to disapprove the action taken by the subcommittee. If the action of the subcommittee is not disapproved by the governor within ten calendar days from the day the subcommittee report is delivered to him, the rule change shall not be adopted by the agency until it has been changed or modified and subsequently found acceptable by the subcommittee, or has been approved by the standing committee, or by the legislature by concurrent resolution. If a proposed rule change is determined to be unacceptable by an oversight committee and such determination is not disapproved by the governor as provided in this Section, the agency shall not propose a rule change or emergency rule that is the same or substantially similar to such disapproved proposed rule change nor shall the agency adopt an emergency rule that is the same or substantially similar to such disapproved proposed rule change within four months after issuance of a written report by the subcommittee as provided in Subsection F of this Section nor more than once during the interim between regular sessions of the legislature.

H. (1) If both the House and Senate oversight subcommittees fail to find a proposed rule change unacceptable as provided herein, **or if the governor disapproves the action of an oversight subcommittee within the time provided in R.S. 49:968(G)**, the proposed rule change may be adopted by the agency in the identical form proposed by the agency or with technical changes or with changes suggested by the subcommittee, provided at least ninety days and no more than twelve months have elapsed since notice of intent was published in the Louisiana Register.

(2) Substantive changes to a rule proposed for adoption, amendment, or repeal occur if the nature of the proposed rule is altered or if such changes affect additional or different substantive matters or issues not included in the notice required by R.S. 49:953(A)(1). Whenever an agency seeks to substantively change a proposed rule after notice of intent has been published in the Louisiana Register pursuant to R.S.

49:953(A)(1), the agency shall hold a public hearing on the substantive changes preceded by an announcement of the hearing in the Louisiana Register. A notice of the hearing shall be mailed within ten days after the date the announcement is submitted to the Louisiana Register to all persons who have made request of the agency for such notice. Any hearing by the agency pursuant to this Paragraph shall be held no earlier than thirty days after the publication of the announcement in the Louisiana Register. The agency hearing shall conform to R.S. 49:953(A)(2)(b), and a report on the hearing shall be made to the oversight committees in accordance with Subparagraph (D)(1)(b) of this Section. The agency shall make available to interested persons a copy of such report no later than one working day following the submittal of such report to the oversight committees. Any determination as to the rule by the oversight committees, **prior to gubernatorial review as provided in Subsection G of this Section**, shall be made no earlier than five days and no later than thirty days following the day the report required by this Paragraph is received from the agency.

(3) If a rule or part of a rule that is severable from a larger rule or body of rules proposed as a unit is found unacceptable, the rules or parts thereof found acceptable may be adopted by the agency in accordance with Paragraph (1) of this Subsection.

I. If the governor disapproves the action of an oversight subcommittee, he shall state written reasons for his action and shall deliver a copy of his reasons to the House and Senate oversight subcommittees, the agency proposing the rule change, and the Louisiana Register.

J. The Louisiana Register shall publish a copy of the written report of an oversight subcommittee **and the written report of the governor in disapproving any such action**, or if unduly cumbersome, expensive, or otherwise inexpedient, a notice stating the general subject matter of the omitted report and stating how a copy thereof may be obtained.

(Emphasis added.)

39.

According to La. R.S. 49:968(G)–(J), the Governor, a member of the executive branch, holds the power to countermand the Legislature’s rejection of a rule.

40.

As a result of the Governor’s overruling of the Oversight Subcommittee’s rejection of the New Rule, the New Rule will become final and take effect immediately upon publication in the Louisiana Register.

41.

Upon information and belief, LDH submitted the necessary documents to the Office of State Register on December 14, 2021, for publication in the December 20, 2021 Louisiana Register. The New Rule will be effective as of the date of publication.

COUNT 1
UNCONSTITUTIONAL VIOLATION OF THE
SEPARATION OF POWERS CLAUSE

42.

The Governor's action, overruling the Oversight Subcommittee's rejection of the New Rule on December 14, 2021, violates Louisiana Constitution Article II, §§ 1 and 2.

43.

Unless the gubernatorial disapproval procedure found in La. R.S. 49:968(G)–(J) is declared unconstitutional and its application enjoined, the executive branch — not the legislative — will continue to have the right to unlawfully exercise legislative authority by promulgating rules through executive branch agencies, with no meaningful oversight by the Legislature unless the Governor chooses not to overrule the determination of the legislative branch.

44.

The only thing standing in the way of this overreach is the very document that protects Louisianans from the unbounded exercise of executive authority: the Louisiana Constitution.

45.

The Louisiana Constitution grants the Governor the power only to *enforce* the law, not to make it.

46.

Louisiana Constitution Article II governs the distribution of powers in Louisiana's state government:

§ 1. Three Branches

The powers of government of the state are divided into three separate branches: legislative, executive and judicial.

§ 2 Limitations on Each Branch.

Except as otherwise provided by this constitution, no one of these branches, or any person holding office in one of them, shall exercise power belonging to either of the others.

La. Const. art. II, §§ 1 and 2 (emphasis added).

47.

The Legislature cannot delegate its authority to the Governor with no clawback or legislative oversight. *See Krielow v. La. Dep't of Agric. & Forestry*, 2013-1106, p. 19 (La. 10/15/13), 125 So.3d 384, 397 (where the Louisiana Supreme Court declared a provision unconstitutional where the Legislature did not retain any discretion to review, approve, disapprove or modify an assessment decision reached by a State Board); *see also Schwegmann Bros. Giant Super Markets v. McCrory, Comm'r of Agric.*, 112 So.2d 606, 613 (La. 1959).

48.

Louisiana Revised Statute 49:968 provides the mechanism for legislative oversight of that delegated authority, but it is negated by giving the Governor authority to override the Legislature's determination.

49.

The Administrative Procedures Act does not contain any method whatsoever for the legislative branch to revoke or amend the Governor's action under La. R.S. 49:968(G)–(J).

50.

When the Governor exercised his disapproval prerogative under La. R.S. 49:968, the Legislature had no statutory method of preventing an administrative agency under the executive branch from adopting a rule.

51.

The New Rule obtains the force and effect of law upon its final adoption.

52.

Louisiana Revised Statute 49:968(G)–(J), insofar as they allowed the Governor to “disapprove” the action of an oversight subcommittee, diminished and usurped the authority of the Legislature and its members.

53.

Therefore, the Governor violated the Separation of Powers Clause of the Louisiana Constitution, La. Const. art. II, § 2.

54.

Adoption of the New Rule is unconstitutional because the procedure pursuant to which the New Rule obtained final approval, found in La. R.S. 49:968(G)–(J) — allowing the Governor the final say in the adoption of agency rules — violates the separation of powers principle embodied in La. Const. art. II, § 2.

55.

As happened in this case, an executive branch agency headed by Secretary Phillips, who is in turn appointed by and serves at the pleasure of the Governor, decided that the New Rule was necessary, and the legislative branch disagreed with the executive agency's exercise of legislative authority.

56.

However, the Governor, who appointed Secretary Phillips, has the final word, and apparently unfettered discretion, as to whether the New Rule may be adopted over the Legislature's objection.

57.

Under such a procedure, the Legislature is nothing more than a speed bump for the executive branch to easily clear on its way to what is essentially a unilateral exercise of legislative power by the executive branch.

58.

For these reasons, La. R.S. 49:968(G)–(J) violate La. Const. art. II, § 2 by permitting the executive branch to exert wholesale control over the exercise of delegated legislative authority without permitting the legislative branch to exercise any meaningful oversight prior to the New Rule's effective date.

59.

Although LDH testified at the December 6, 2021 oversight hearing that it does not *intend* to take action under the New Rule until a later date, the promise that the agency will not enforce the New Rule is not sufficient to ignore or excuse the unconstitutional action of the Governor or the unconstitutionality of the New Rule.

60.

Upon a finding by this Court that La. R.S. 49:968(G)–(J)’s grant of authority to the Governor is unconstitutional, Plaintiffs request, and are entitled to, a permanent injunction prohibiting the Governor from utilizing the provisions of La. R.S. 49:968(G)–(J).

61.

Further, upon a finding by this Court that La. R.S. 49:968(G)–(J)’s grant of authority to the Governor is unconstitutional, and because the New Rule could not be promulgated but for the application of this unconstitutional procedure, Plaintiffs request and are entitled to a declaration that the New Rule is unconstitutional, and a permanent injunction prohibiting enforcement of the New Rule by the Governor and any persons in active concert or participation with him.

COUNT 2
UNCONSTITUTIONAL EXERCISE OF
AUTHORITY OF THE LEGISLATIVE BRANCH

62.

“Rules and regulations promulgated by an agency may not exceed the authorization delegated by the legislature.” *In re Tillman*, 15-1114 (La. 3/15/16), 187 So.3d 445, 455. Any administrative rule adopted in excess of an executive agency’s statutory authority, such as the New Rule, is unconstitutional and unenforceable as an exercise of legislative authority by an executive branch entity in violation of the separation of powers. *State v. Alfonso*, 99-1546 (La. 11/23/99); 753 So.2d 156, 163; La. Const. art. II, § 2.

63.

Some delegations of authority to the executive branch are constitutionally permissible. To that end, the Louisiana Supreme Court has applied the three-pronged *Schwegmann* test to determine whether specific delegations of power to the executive branch pass constitutional muster. *See Schwegmann Bros. Giant Super Markets v. McCrory, Comm’r of Agric.*, 112 So.2d 606, 613 (La. 1959). Such a delegation is constitutionally valid only if the enabling statute: (1) contains a clear expression of legislative policy; (2) prescribes sufficient standards to guide the executive’s execution of that policy; and (3) “is accompanied by adequate procedural safeguards to protect against abuse of discretion” by the executive. *Id.*

64.

In the December 14, 2021 disapproval, the Governor stated that, “by adding the COVID-19 vaccination to the immunization schedule, the Louisiana Department of Health and the State Health Officer are doing exactly as directed and authorized by the Louisiana Legislature.” Exhibit E. If this is correct, the Legislature has improperly delegated to the executive branch the ability to determine what the law on vaccines will be.

65.

Such a delegation is not administrative but legislative in nature and does not contain a clear expression of legislative policy; does not prescribe sufficient standards to guide the executive’s execution of that policy; and is not accompanied by adequate procedural safeguards to protect against abuse of discretion by the executive branch.

66.

The Governor is exercising primary and independent discretion with no prescribed Legislative limits.

67.

The procedural safeguards in La. R.S. 49:968(G)–(J) are not adequate to protect against abuse of discretion by the executive.

68.

There is no mechanism for the Legislature to stop the New Rule from taking effect.

69.

Upon a finding by this Court that promulgation of the New Rule is itself an unconstitutional exercise of authority by the executive branch, Plaintiffs request and are entitled to a permanent injunction prohibiting enforcement of the New Rule by the Governor and any persons in active concert or participation with him.

WHEREFORE, Plaintiffs pray that:

A. This Petition be served upon the Governor;

- B. A judgment issue, declaring La. R.S. 49:968(G)–(J) unconstitutional insofar as they empower the Governor to disapprove the action of an oversight subcommittee and severing the remaining provisions of La. R.S. 49:968 from the offending portions;
- C. Permanent injunctive relief issue, prohibiting the enforcement of the proposed amendments to LAC 51:II.701 by the Governor and any persons in active concert or participation with him;
- D. Permanent injunctive relief issue, prohibiting the Governor from utilizing the provisions of La. R.S. 49:968(G)–(J);
- E. All costs of these proceedings be taxed against the Governor; and
- F. Plaintiffs be granted all other general and equitable relief to which they are entitled.

Respectfully submitted,

JEFF LANDRY
ATTORNEY GENERAL

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PLEASE SERVE:

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Attorney General Jeff Landry
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John Bel Edwards
GOVERNOR



Dr. Courtney N. Phillips
SECRETARY

State of Louisiana
Louisiana Department of Health
Office of the Secretary

September 10, 2021

Via Statutorily Required Email

To: The Honorable Patrick Page Cortez, President, Louisiana Senate
The Honorable Clay Schexnayder, Speaker, Louisiana House of Representatives
The Honorable Chairman Fred H. Mills Jr., Senate Health & Welfare Committee
The Honorable Chairman Larry Bagley, House Health & Welfare Committee

From: Dr. Courtney N. Phillips
Secretary

A handwritten signature in black ink, appearing to read "C. Phillips", written over a horizontal line.

Re: First Report: Proposed Amendments to LAC 51:II.701 – Immunization Schedule

Under the authority of the laws of the State of Louisiana and in accordance with the provisions of Chapter 6 of Title 36 of the Louisiana Revised Statutes of 1950, and with the Administrative Procedure Act, La. R.S. 49:950 *et seq.*, the secretary hereby gives notice that rulemaking procedures have been initiated to promulgate amendments to the rules governing the administration of Immunization Schedule, LAC 51:II.701.

- I. Copy of the rule as it is proposed after amendment, with new proposed language indicated by the underscored text and deleted language indicated by the strike-through type.

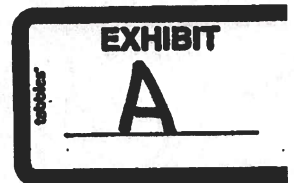
See attachment.

- II. A statement of the proposed action.

The proposed rulemaking will add the SARS-COV-2 vaccine to the list of age-appropriate required vaccines for daycare and school entry/participation in Louisiana once the vaccine is approved by the FDA.

- III. Specific citation of law authorizing promulgation of the rule.

R.S. 17:170, and R.S. 49:954, *et. seq.*



IV. Circumstances which require the amendment of the rule.

Louisiana is currently one of the leaders in new COVID-19 cases in the United States. The SARS-COV-2 vaccine is currently approved for all persons over the age 12 & has proven to be a safe solution to the spread of COVID-19. The proposed rule will ensure that school age children who are legally allowed to get the vaccine will be vaccinated from COVID-19 before attending school, thereby preventing new outbreaks throughout the school systems and throughout Louisiana.

V. Statement of Fiscal and Economic Impact.

See attachment.

Please contact DeAnn Gruber, Ph.D., deann.gruber@la.gov, if you have any questions or require additional information about this matter.

Attachments (2)

Cc: Joseph Kanter, MD, MPH, State Health Officer
Kimberly Hood, JD, MPH, Assistant Secretary, LDH OPH
Melissa Mendoza, JD, MPH, Legislative and Regulatory Affairs Director, LDH OPH
Aliya Rubenstein, JD, MPH, Rulemaking Liaison, LDH OPH
Bethany Blackson, Legislative Liaison, LDH
Catherine Brindley, Editor, *Louisiana Register*, Office of the State Register

NOTICE OF INTENT
Louisiana Department of Health
Office of Public Health
Public Health Immunization Requirements
LAC 51:701

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the state health officer, acting through the Louisiana Department of Health, Office of Public Health (LDH/OPH), intends to amend and recodify parts of Chapter 7 of Title 51—Public Health Immunization Requirements.

This proposed rule will amend §701 of Chapter 7 of Title 51—Public Health Immunization Requirements. The proposed amendments add vaccines for SARS-CoV-2 to the list of required vaccinations for school entry to the extent that such vaccines are approved by the Food and Drug Administration for the individual's age, and also require such vaccines, and all potential boosters, on the same basis for school attendance.

§701. Immunization Schedule
[formerly paragraph 2:025]

A. The Office of Public Health (OPH) will determine the Louisiana immunization schedule, with appropriate immunizations for age using the current immunization schedule from the Advisory Committee for Immunization Practice (ACIP) of the United States Public Health Service (USPHS). Compliance for school and day care center entry will be based on the individual having received an appropriate number of immunizations for his/her age of the following types:

1. vaccines which contain tetanus and diphtheria toxoids, including Diphtheria and Tetanus (DT), Diphtheria/Tetanus/Acellular Pertussis (DTaP), Tetanus and Diphtheria (Tdap), Tetanus Toxoid (TT) or combinations which include these components;
2. polio vaccine, including Inactivated Polio Vaccine (IPV), or combinations which include this component;
3. vaccines which contain measles antigen, including Measles, Mumps, and Rubella (MMR) and combinations which include these components;
4. vaccines which contain hepatitis antigen, including Hepatitis B (HepB), Hepatitis A (HepA), and combinations which include these components;
5. vaccines which contain varicella antigen, including varicella and combinations which include this component.
6. vaccines which contain meningococcal antigen and combinations which include this component.
7. vaccines for severe acute respiratory syndrome- coronavirus 2 (SARS-CoV-2, the virus which causes Coronavirus Disease 2019, also known as COVID-19), or

variants thereof, to the extent that such vaccines have been fully approved by the U.S. Food & Drug Administration (FDA) for the individual's age.

B. – D. . . .

E. Notwithstanding anything in this Section or Code to the contrary, and in addition to any other requirements of law, each individual entering or attending any school within the state in-person shall present to such school satisfactory evidence of having received vaccination(s) in accordance with the dosing schedule, including any booster doses recommended by the U.S. Centers for Disease Control and Prevention (CDC), set forth in the applicable Vaccine Information Statement (VIS) for severe acute respiratory syndrome-coronavirus 2 (SARS-CoV-2, the virus which causes COVID-19), or known variants thereof, to the extent that such vaccines have been fully approved by the U.S. Food & Drug Administration (FDA) for the individual's age. Satisfactory evidence that administration of such vaccinations is in progress will satisfy this requirement. Each school in this state shall prohibit in-person attendance of any individual not vaccinated as required by this subsection, unless the individual submits a written statement from a physician stating that such vaccination is contraindicated for medical reasons, or the individual or his parent or guardian submits a written dissent. Each school in this state shall maintain records showing compliance of each attending individual with the requirements of this subsection. As used in this subsection, the term "school" shall include, but is not limited to, elementary and secondary schools, kindergartens, colleges, universities, proprietary schools, vocation schools, and licensed day care centers.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(2), R.S. 40:5(A) and R.S. 40:31.15. Also see R.S. 17:170, R.S. 22:1030, and R.S. 44:17.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1221 (June 2002), amended LR 38:1252 (May 2012), amended by the Department of Health, Office of Public Health, LR 45:670 (May 2019), amended LR 46:590 (April 2020), amended by the Department of Health, Office of Public Health, LR 47:

Family Impact Statement

1. Will the proposed rule affect the stability of the family? Yes. The stability of the family will be enhanced by having more persons in the home vaccinated against SARS-CoV-2 and by protecting the health of the children.
2. Will the proposed rule affect the authority and rights of parents regarding the education and supervision of their children? No, parents will still be able to exempt their children from being vaccinated for religious, medical, or philosophical reasons.
3. Will the proposed rule affect the functioning of the family? No.
4. Will the proposed rule affect family earnings and family budget? No.
5. Will the proposed rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained the proposed rule? Yes.

Poverty Impact Statement

1. The effect on household income, assets, and financial security. The intent of this vaccination rule is to prevent the additional spreading of SARS-CoV-2 disease to other persons; therefore,

prevention of additional cases of the disease will help to keep other family members and the community at-large healthy and thus would be expected to help to prevent the depletion of household income, assets, and financial security.

2. The effect on early childhood development and preschool through postsecondary education development. Other than attempting to keep school aged children healthy, there will be no effect on childhood development and preschool through postsecondary education development.

3. The effect on employment and workforce development. Persons who are able to prevent becoming infected with SARS-CoV-2 would be expected to remain healthy and such healthy persons would improve his or her chances to either remain employed or become employed. Keeping persons healthy would enhance the workforce as a whole.

4. The effect on taxes and tax credits. Keeping persons healthy by implementing this proposed rule should help to maintain taxes at a lower level since the fewer sick persons there are in the SARS-CoV-2 pandemic would be expected to check the total amount of funds necessary to maintain a healthy population. This, in turn, should help to prevent the need for additional taxation.

5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance. There will be a positive effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance because less services will be needed.

Small Business Analysis

It is anticipated that the proposed rule will not have a significant adverse impact on small businesses as defined in the Small Business Protection Act.

Provider Impact Statement

The proposed rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments no later than October 28, 2021 to DeAnn Gruber, Bureau Director, Bureau of Infectious Diseases, Office of Public Health, 1450 Poydras St., Ste. 2136, New Orleans, LA, 70112 or faxed to (504) 568-7044.

Public Hearing

Interested persons may submit a written request to conduct a public hearing either by U.S. mail to the Office of the Secretary, ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on October 10, 2021. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:00 am on Monday, October 28, 2021, in Room 173 of the Bienville

Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after October 11, 2021. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to the Bienville Building's front security desk.

Joseph Kanter, MD, MPH
State Health Officer
and
Dr. Courtney N. Phillips
LDH Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person
Preparing
Statement:

DeAnn Gruber

Dept: Louisiana Department of Health

Phone: 504-568-7474

Office: Office of Public Health

Return
Address:

1450 Poydras Street, Suite 2136
New Orleans, LA 70112

Rule Title: Immunization Requirements LAC 51:170

Date Rule Takes Effect: Upon Promulgation

SUMMARY

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS

The Office of Public Health (OPH) will incur \$426 in expenses associated with the publication of this proposed rule change. The expenses will be paid with State General Fund.

There will also be a cost to the Medicaid program associated with reimbursing providers for administering vaccines to Medicaid patients. This total cost to the Medicaid program is dependent on the number of Medicaid patients that receive the vaccine. The Medicaid reimbursement rate is \$37.08 and paid for with 100% federal funds.

This proposed rule amends §701 of Chapter 7 of Title 51—Public Health Immunization Requirements. The proposed amendments add vaccines for SARS-CoV-2 to the list of required vaccinations for school entry to the extent that such vaccines are approved by the Food and Drug Administration for the individual's age. The rule also provides that each school in this state shall prohibit in-person attendance of any individual not vaccinated, unless the individual submits a written statement from a physician stating that such vaccination is contraindicated for medical reasons, or the individual or his/her parent or guardian submits a written dissent.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS

The proposed rule change will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule may have an economic benefit to healthcare providers that administer vaccines and vaccine manufacturers, given that this is likely to be an increase demand for vaccinations. The proposed rule may have an increased cost to health insurance programs, including Medicaid, associated with reimbursing providers for the cost associated with administering the vaccines.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT

The proposed rule is not anticipated to have an impact on existing competition or employment among vaccination providers.

Signature of Agency Head or Designee

Kimberly Hood, JD, MPH
Assistant Secretary, Office of Public Health
Typed Name & Title of Agency Head or Designee
9/7/2021

Date of Signature

Alan M. Basting
Legislative Fiscal Officer or Designee

9/9/21
Date of Signature

Small Business Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have a positive impact on small businesses, as described in R.S. 49:965.2 et seq, as it will allow them to obtain independent review for claims.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Patrick Gillies, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821—9030. Mr. Gillies is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on October 30, 2021.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on October 12, 2021. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on October 28, 2021 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after October 12, 2021. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Managed Care for Physical and Behavioral Health—Independent Review Process for Provider Claims

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 21-22. It is anticipated that \$1,296 (\$648 SGF and \$648 FED) will be expended in FY 21-22 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 21-22. It is anticipated that \$648 will be collected in FY 21-22 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

In compliance with Act 204 of the 2021 Regular Session of the Louisiana Legislature, this proposed rule amends the provisions governing the independent review process for claims filed by managed care providers in order to add provisions that allow mental health rehabilitation providers to seek an independent review of waste and abuse recoupments by managed care organizations (MCOs). This proposed rule will be beneficial to providers of mental health rehabilitation services as it will allow them to obtain independent reviews of adverse determinations by MCOs that result in the recoupment of the payment of claims. The implementation of this proposed rule may result in an impact to the MCOs and mental health rehabilitation providers for FY 21-22, FY 22-23, and FY 23-24; however, any potential impact cannot be determined as there is no way to know if there will be recoupments or payments made as a result of this process.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Patrick Gillies
Executive Medicaid Director
2109#052

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

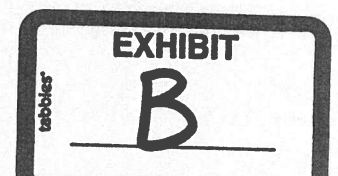
NOTICE OF INTENT

Department of Health Office of Public Health

Public Health Immunization Requirements (LAC 51:II.701)

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the state health officer, acting through the Department of Health, Office of Public Health (LDH/OPH), intends to amend and recodify parts of Chapter 7 of Title 51—Public Health Immunization Requirements.

This proposed Rule will amend §701 of Chapter 7 of Title 51—Public Health Immunization Requirements. The proposed amendments add vaccines for SARS-CoV-2 to the list of required vaccinations for school entry to the extent that such vaccines are approved by the Food and Drug Administration for the individual's age, and also require such vaccines, and all potential boosters, on the same basis for school attendance.



Title 51
PUBLIC HEALTH—SANITARY CODE
Part II. The Control of Diseases

Chapter 7. Public Health Immunization Requirements

§701. Immunization Schedule
[formerly paragraph 2:025]

A. The Office of Public Health (OPH) will determine the Louisiana immunization schedule, with appropriate immunizations for age using the current immunization schedule from the Advisory Committee for Immunization Practice (ACIP) of the United States Public Health Service (USPHS). Compliance for school and day care center entry will be based on the individual having received an appropriate number of immunizations for his/her age of the following types:

1. vaccines which contain tetanus and diphtheria toxoids, including Diphtheria and Tetanus (DT), Diphtheria/Tetanus/Acellular Pertussis (DTaP), Tetanus and Diphtheria (Tdap), Tetanus Toxoid (TT) or combinations which include these components;
2. polio vaccine, including Inactivated Polio Vaccine (IPV), or combinations which include this component;
3. vaccines which contain measles antigen, including Measles, Mumps, and Rubella (MMR) and combinations which include these components;
4. vaccines which contain hepatitis antigen, including Hepatitis B (HepB), Hepatitis A (HepA), and combinations which include these components;
5. vaccines which contain varicella antigen, including varicella and combinations which include this component.
6. vaccines which contain meningococcal antigen and combinations which include this component.
7. vaccines for severe acute respiratory syndrome-coronavirus 2 (SARS-CoV-2, the virus which causes Coronavirus Disease 2019, also known as COVID-19), or variants thereof, to the extent that such vaccines have been fully approved by the U.S. Food & Drug Administration (FDA) for the individual's age.

B. - D. ...

E. Notwithstanding anything in this Section or Code to the contrary, and in addition to any other requirements of law, each individual entering or attending any school within the state in-person shall present to such school satisfactory evidence of having received vaccination(s) in accordance with the dosing schedule, including any booster doses recommended by the U.S. Centers for Disease Control and Prevention (CDC), set forth in the applicable Vaccine Information Statement (VIS) for severe acute respiratory syndrome-coronavirus 2 (SARS-CoV-2, the virus which causes COVID-19), or known variants thereof, to the extent that such vaccines have been fully approved by the U.S. Food and Drug Administration (FDA) for the individual's age. Satisfactory evidence that administration of such vaccinations is in progress will satisfy this requirement. Each school in this state shall prohibit in-person attendance of any individual not vaccinated as required by this subsection, unless the individual submits a written statement from a physician stating that such vaccination is contraindicated for medical reasons, or the individual or his parent or guardian submits a written dissent. Each school in this state shall maintain records showing compliance of each

attending individual with the requirements of this subsection. As used in this subsection, the term "school" shall include, but is not limited to, elementary and secondary schools, kindergartens, colleges, universities, proprietary schools, vocation schools, and licensed day care centers.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(2), R.S. 40:5(A) and R.S. 40:31.15. Also see R.S. 17:170, R.S. 22:1030, and R.S. 44:17.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1221 (June 2002), amended LR 38:1252 (May 2012), amended by the Department of Health, Office of Public Health, LR 45:670 (May 2019), amended LR 46:590 (April 2020), amended by the Department of Health, Office of Public Health, LR 47:

Family Impact Statement

1. Will the proposed rule affect the stability of the family? Yes. The stability of the family will be enhanced by having more persons in the home vaccinated against SARS-CoV-2 and by protecting the health of the children.
2. Will the proposed rule affect the authority and rights of parents regarding the education and supervision of their children? No, parents will still be able to exempt their children from being vaccinated for religious, medical, or philosophical reasons.
3. Will the proposed rule affect the functioning of the family? No.
4. Will the proposed rule affect family earnings and family budget? No.
5. Will the proposed rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained the proposed rule? Yes.

Poverty Impact Statement

1. The effect on household income, assets, and financial security. The intent of this vaccination Rule is to prevent the additional spreading of SARS-CoV-2 disease to other persons; therefore, prevention of additional cases of the disease will help to keep other family members and the community at-large healthy and thus would be expected to help to prevent the depletion of household income, assets, and financial security.
2. The effect on early childhood development and preschool through postsecondary education development. Other than attempting to keep school aged children healthy, there will be no effect on childhood development and preschool through postsecondary education development.
3. The effect on employment and workforce development. Persons who are able to prevent becoming infected with SARS-CoV-2 would be expected to remain healthy and such healthy persons would improve his or her chances to either remain employed or become employed. Keeping persons healthy would enhance the workforce as a whole.
4. The effect on taxes and tax credits. Keeping persons healthy by implementing this proposed Rule should help to maintain taxes at a lower level since the fewer sick persons there are in the SARS-CoV-2 pandemic would be expected to check the total amount of funds necessary to maintain a healthy population. This, in turn, should help to prevent the need for additional taxation.
5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance. There will be a positive effect on child and dependent care,

housing, health care, nutrition, transportation, and utilities assistance because less services will be needed.

Small Business Analysis

It is anticipated that the proposed Rule will not have a significant adverse impact on small businesses as defined in the Small Business Protection Act.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments no later than October 28, 2021 to DeAnn Gruber, Bureau Director, Bureau of Infectious Diseases, Office of Public Health, 1450 Poydras St., Ste. 2136, New Orleans, LA, 70112 or faxed to (504) 568-7044.

Public Hearing

Interested persons may submit a written request to conduct a public hearing either by U.S. mail to the Office of the Secretary, ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on October 10, 2021. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9 a.m. on Monday, October 28, 2021, in Room 173 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after October 11, 2021. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to the Bienville Building's front security desk.

Joseph Kanter, MD, MPH
State Health Officer
and
Dr. Courtney N. Phillips
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Public Health Immunization Requirements

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The Office of Public Health (OPH) will incur \$426 in expenses associated with the publication of this proposed rule change. The expenses will be paid with State General Fund.

There will also be a cost to the Medicaid program associated with reimbursing providers for administering vaccines to Medicaid patients. This total cost to the Medicaid program is dependent on the number of Medicaid patients that receive the vaccine. The Medicaid reimbursement rate is \$37.08 and paid for with 100% federal funds.

This proposed rule amends §701 of Chapter 7 of Title 51—Public Health Immunization Requirements. The proposed amendments add vaccines for SARS-CoV-2 to the list of required vaccinations for school entry to the extent that such vaccines are approved by the Food and Drug Administration for the individual's age. The rule also provides that each school in this state shall prohibit in-person attendance of any individual not vaccinated, unless the individual submits a written statement from a physician stating that such vaccination is contraindicated for medical reasons, or the individual or his/her parent or guardian submits a written dissent.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule may have an economic benefit to healthcare providers that administer vaccines and vaccine manufacturers, given that this is likely to be an increase demand for vaccinations. The proposed rule may have an increased cost to health insurance programs, including Medicaid, associated with reimbursing providers for the cost associated with administering the vaccines.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule is not anticipated to have an impact on existing competition or employment among vaccination providers.

Kimberly Hood, JD, MPH
Assistant Secretary
2109#033

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Insurance Office of the Commissioner

Regulation 119—Issuance of Consent or a
Waiver Pursuant to R.S. 22:1554
(LAC 37:XIII.Chapter 177)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to promulgate Regulation 119—Issuance of Consent or a Waiver Pursuant to R.S. 22:1554. Regulation 119 (1) establishes the procedure for the issuance of consent or a waiver to an insurance producer seeking to employ or to otherwise associate with his business an individual engaged in the business of insurance who has been convicted of a felony in accordance with R.S. 22:1554(A)(18); (2) prescribes the duration and transferability of consent or a waiver issued to an insurance producer; (3) provides for the applicability of 18 U.S.C. §1033(e)(B)(2); and (4) provides for the penalties imposed for failure to comply with this regulation in accordance with R.S. 22:1554A.

John Bel Edwards
GOVERNOR



Dr. Courtney N. Phillips
SECRETARY

State of Louisiana
Louisiana Department of Health
Office of the Secretary

November 10, 2021

Via Statutorily Prescribed Email

To: The Honorable Fred H. Mills, Jr., Chairman, Senate Health & Welfare Committee
The Honorable Larry Bagley, Chairman, House Health & Welfare Committee

From: Dr. Courtney N. Phillips
Secretary

Re: Second Report LAC 51:II.701 - Immunization Schedule

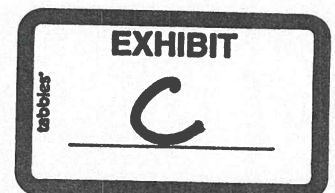
Pursuant to the Louisiana Administrative Procedure Act, the Louisiana Department of Health, Office of Public Health, submits its second report regarding the proposed Immunization Schedule.

A Notice of Intent on the proposed amendments was published in the September 20, 2021 issue of the *Louisiana Register* (LR 47:1414). No written comments were received and there was no request for a public hearing were received during the notice period. Because there were no requests for a public hearing, one was not held for these proposed amendments. Additionally, no substantive changes were made to the proposed amendments since the report provide for in R.S. 49:968B-C was submitted.

Unless otherwise directed, the Department anticipates adopting the September 20, 2021, Notice of Intent when it is published as a final rule in the December 20, 2021, issue of the *Louisiana Register*.

Please contact DeAnn Gruber, Ph.D., deann.gruber@la.gov, if you have any questions or require additional information about this matter.

Cc: Joseph Kanter, MD, MPH, State Health Officer
Kimberly Hood, JD, MPH, OPH Assistant Secretary, LDH
Melissa Mendoza, JD, MPH, OPH Legislative and Regulatory Affairs Director, LDH
Aliya Rubenstein, JD, MPH, OPH Rulemaking Liaison, LDH
Bethany Blackson, Legislative Liaison, LDH
Catherine Brindley, Editor, *Louisiana Register*, Office of the State Register



Small Business Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have a positive impact on small businesses, as described in R.S. 49:965.2 et seq., as it will allow them to obtain independent review for claims.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Patrick Gillies, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Mr. Gillies is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on October 30, 2021.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on October 12, 2021. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on October 28, 2021 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after October 12, 2021. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (eater corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: ~~Managed Care for Physical and
Behavioral Health Independent Review Process for
Provider Claims~~**

**~~I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)~~**

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 21-22. It is anticipated that \$1,296 (\$648 SGF and \$648 FED) will be expended in FY 21-22 for the state's administrative expense for promulgation of this proposed rule and the final rule.

**~~II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)~~**

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 21-22. It is anticipated that \$648 will be collected in FY 21-22 for the federal share of the expense for promulgation of this proposed rule and the final rule.

**~~III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)~~**

In compliance with Act 201 of the 2021 Regular Session of the Louisiana Legislature, this proposed rule amends the provisions governing the independent review process for claims filed by managed care providers in order to add provisions that allow mental health rehabilitation providers to seek an independent review of waste and abuse recoupments by managed care organizations (MCOs). This proposed rule will be beneficial to providers of mental health rehabilitation services as it will allow them to obtain independent reviews of adverse determinations by MCOs that result in the recoupment of the payment of claims. The implementation of this proposed rule may result in an impact to the MCOs and mental health rehabilitation providers for FY 21-22, FY 22-23, and FY 23-24; however, any potential impact cannot be determined as there is no way to know if there will be recoupments or payments made as a result of this process.

**~~IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)~~**

This rule has no known effect on competition and employment.

Patrick Gillies
Executive Medicaid Director
2109#052

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Office of Public Health**

**Public Health Immunization Requirements
(LAC 51:II.701)**

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the state health officer, acting through the Department of Health, Office of Public Health (LDH/OPH), intends to amend and recodify parts of Chapter 7 of Title 51—Public Health Immunization Requirements.

This proposed Rule will amend §701 of Chapter 7 of Title 51—Public Health Immunization Requirements. The proposed amendments add vaccines for SARS-CoV-2 to the list of required vaccinations for school entry to the extent that such vaccines are approved by the Food and Drug Administration for the individual's age, and also require such vaccines, and all potential boosters, on the same basis for school attendance.

Title 51
PUBLIC HEALTH—SANITARY CODE
Part II. The Control of Diseases

Chapter 7. Public Health Immunization Requirements

§701. Immunization Schedule
[formerly paragraph 2:025]

A. The Office of Public Health (OPH) will determine the Louisiana immunization schedule, with appropriate immunizations for age using the current immunization schedule from the Advisory Committee for Immunization Practice (ACIP) of the United States Public Health Service (USPHS). Compliance for school and day care center entry will be based on the individual having received an appropriate number of immunizations for his/her age of the following types:

1. vaccines which contain tetanus and diphtheria toxoids, including Diphtheria and Tetanus (DT), Diphtheria/Tetanus/Acellular Pertussis (DTaP), Tetanus and Diphtheria (Tdap), Tetanus Toxoid (TT) or combinations which include these components;
2. polio vaccine, including Inactivated Polio Vaccine (IPV), or combinations which include this component;
3. vaccines which contain measles antigen, including Measles, Mumps, and Rubella (MMR) and combinations which include these components;
4. vaccines which contain hepatitis antigen, including Hepatitis B (HepB), Hepatitis A (HepA), and combinations which include these components;
5. vaccines which contain varicella antigen, including varicella and combinations which include this component.
6. vaccines which contain meningococcal antigen and combinations which include this component.
7. vaccines for severe acute respiratory syndrome-coronavirus 2 (SARS-CoV-2, the virus which causes Coronavirus Disease 2019, also known as COVID-19), or variants thereof, to the extent that such vaccines have been fully approved by the U.S. Food & Drug Administration (FDA) for the individual's age.

B. - D. ...

E. Notwithstanding anything in this Section or Code to the contrary, and in addition to any other requirements of law, each individual entering or attending any school within the state in-person shall present to such school satisfactory evidence of having received vaccination(s) in accordance with the dosing schedule, including any booster doses recommended by the U.S. Centers for Disease Control and Prevention (CDC), set forth in the applicable Vaccine Information Statement (VIS) for severe acute respiratory syndrome-coronavirus 2 (SARS-CoV-2, the virus which causes COVID-19), or known variants thereof, to the extent that such vaccines have been fully approved by the U.S. Food and Drug Administration (FDA) for the individual's age. Satisfactory evidence that administration of such vaccinations is in progress will satisfy this requirement. Each school in this state shall prohibit in-person attendance of any individual not vaccinated as required by this subsection, unless the individual submits a written statement from a physician stating that such vaccination is contraindicated for medical reasons, or the individual or his parent or guardian submits a written dissent. Each school in this state shall maintain records showing compliance of each

attending individual with the requirements of this subsection. As used in this subsection, the term "school" shall include, but is not limited to, elementary and secondary schools, kindergartens, colleges, universities, proprietary schools, vocation schools, and licensed day care centers.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(2), R.S. 40:5(A) and R.S. 40:31.15. Also see R.S. 17:170, R.S. 22:1030, and R.S. 44:17.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1221 (June 2002), amended LR 38:1252 (May 2012), amended by the Department of Health, Office of Public Health, LR 45:670 (May 2019), amended LR 46:590 (April 2020), amended by the Department of Health, Office of Public Health, LR 47:

Family Impact Statement

1. Will the proposed rule affect the stability of the family? Yes. The stability of the family will be enhanced by having more persons in the home vaccinated against SARS-CoV-2 and by protecting the health of the children.
2. Will the proposed rule affect the authority and rights of parents regarding the education and supervision of their children? No, parents will still be able to exempt their children from being vaccinated for religious, medical, or philosophical reasons.
3. Will the proposed rule affect the functioning of the family? No.
4. Will the proposed rule affect family earnings and family budget? No.
5. Will the proposed rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained the proposed rule? Yes.

Poverty Impact Statement

1. The effect on household income, assets, and financial security. The intent of this vaccination Rule is to prevent the additional spreading of SARS-CoV-2 disease to other persons; therefore, prevention of additional cases of the disease will help to keep other family members and the community at-large healthy and thus would be expected to help to prevent the depletion of household income, assets, and financial security.
2. The effect on early childhood development and preschool through postsecondary education development. Other than attempting to keep school aged children healthy, there will be no effect on childhood development and preschool through postsecondary education development.
3. The effect on employment and workforce development. Persons who are able to prevent becoming infected with SARS-CoV-2 would be expected to remain healthy and such healthy persons would improve his or her chances to either remain employed or become employed. Keeping persons healthy would enhance the workforce as a whole.
4. The effect on taxes and tax credits. Keeping persons healthy by implementing this proposed Rule should help to maintain taxes at a lower level since the fewer sick persons there are in the SARS-CoV-2 pandemic would be expected to check the total amount of funds necessary to maintain a healthy population. This, in turn, should help to prevent the need for additional taxation.
5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance. There will be a positive effect on child and dependent care,

housing, health care, nutrition, transportation, and utilities assistance because less services will be needed.

Small Business Analysis

It is anticipated that the proposed Rule will not have a significant adverse impact on small businesses as defined in the Small Business Protection Act.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments no later than October 28, 2021 to DeAnn Gruber, Bureau Director, Bureau of Infectious Diseases, Office of Public Health, 1450 Poydras St., Ste. 2136, New Orleans, LA. 70112 or faxed to (504) 568-7044.

Public Hearing

Interested persons may submit a written request to conduct a public hearing either by U.S. mail to the Office of the Secretary, ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on October 10, 2021. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9 a.m. on Monday, October 28, 2021, in Room 173 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after October 11, 2021. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to the Bienville Building's front security desk.

Joseph Kanter, MD, MPH
State Health Officer
and
Dr. Courtney N. Phillips
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Public Health Immunization
Requirements**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The Office of Public Health (OPH) will incur \$426 in expenses associated with the publication of this proposed rule change. The expenses will be paid with State General Fund.

There will also be a cost to the Medicaid program associated with reimbursing providers for administering vaccines to Medicaid patients. This total cost to the Medicaid program is dependent on the number of Medicaid patients that receive the vaccine. The Medicaid reimbursement rate is \$37.08 and paid for with 100% federal funds.

This proposed rule amends §701 of Chapter 7 of Title 51—Public Health Immunization Requirements. The proposed amendments add vaccines for SARS-CoV-2 to the list of required vaccinations for school entry to the extent that such vaccines are approved by the Food and Drug Administration for the individual's age. The rule also provides that each school in this state shall prohibit in-person attendance of any individual not vaccinated, unless the individual submits a written statement from a physician stating that such vaccination is contraindicated for medical reasons, or the individual or his/her parent or guardian submits a written dissent.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change will not affect revenue collections for state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

The proposed rule may have an economic benefit to healthcare providers that administer vaccines and vaccine manufacturers, given that this is likely to be an increase demand for vaccinations. The proposed rule may have an increased cost to health insurance programs, including Medicaid, associated with reimbursing providers for the cost associated with administering the vaccines.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

The proposed rule is not anticipated to have an impact on existing competition or employment among vaccination providers.

Kimberly Hood, JD, MPH
Assistant Secretary
2109#033

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Insurance
Office of the Commissioner**

**Regulation 119—Issuance of Consent or a
Waiver Pursuant to R.S. 22:1554
(LAC 37:XIII:Chapter 177)**

~~The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to promulgate Regulation 119—Issuance of Consent or a Waiver Pursuant to R.S. 22:1554. Regulation 119 (1) establishes the procedure for the issuance of consent or a waiver to an insurance producer seeking to employ or to otherwise associate with his business an individual engaged in the business of insurance who has been convicted of a felony in accordance with R.S. 22:1554(A)(18); (2) prescribes the duration and transferability of consent or a waiver issued to an insurance producer; (3) provides for the applicability of 18 U.S.C. §1033(e)(B)(2); and (4) provides for the penalties imposed for failure to comply with this regulation in accordance with R.S. 22:1554A.~~

LOUISIANA HOUSE OF REPRESENTATIVES



Lawrence A. "Larry" Bagley
Chairman

Christopher "Chris" Turner
Vice Chairman

House Committee on Health and Welfare

P.O. Box 44486 | Baton Rouge, LA | 70804-4486
Phone: (225) 342-2404 | Fax: (225) 342-1698

COMMITTEE REPORT

* *BY EMAIL* *

To: The Honorable John Bel Edwards, Governor, State of Louisiana
Dr. Courtney N. Phillips, Secretary, Louisiana Department of Health
David "Jeff" Truax, Director, Office of State Register

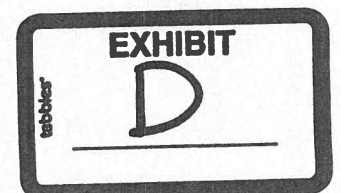
From: Representative Larry Bagley, Chairman, House Committee on Health and Welfare

Date: December 9, 2021

Re: Report of committee action determining proposed rule unacceptable

In accordance with the Administrative Procedure Act, particularly the provisions of R.S. 49:968, the House Committee on Health and Welfare met on December 6, 2021, for the purpose of exercising legislative oversight with respect to an administrative rule proposed by the Louisiana Department of Health (LDH) to amend the state immunization schedule provided for in the sanitary code (LAC 51:II.701) to add COVID-19 vaccines to the list of vaccinations required for school and child day care entry. LDH gave notice of its intention to adopt this proposed rule through a Notice of Intent published in the September 2021 edition of the Louisiana Register (LR 47:1414 (September, 2021)). On November 10, 2021, LDH submitted to the House Committee on Health and Welfare, in accordance with R.S. 49:968(D)(1)(b), its report of public comments on the proposed rule and a statement indicating that it had made no substantive changes to the rule as originally proposed.

In its December 6, 2021, oversight hearing concerning this proposed rule, the House Committee on Health and Welfare, by a vote of thirteen yeas and two nays, determined the following: that the proposed rule is not in conformity with the intent and scope of the enabling legislation purporting to authorize it; that the proposed rule is not in conformity with, and is contrary to, applicable provisions of law and of the Louisiana Constitution; that the proposed rule is not advisable; and that the proposed rule is unacceptable.



This proposed rule of the state health agency purports to set policy for schools, placing requirements on each student attending any school in the state. The rule, as proposed, would prohibit in-person school attendance by certain children and thus fails to conform with the intent and scope of state law providing for the powers and duties of LDH. Further, LDH did not consult with local school boards, the State Board of Elementary and Secondary Education, or the Louisiana Department of Education in preparing the proposed rule. Primarily for these reasons, the House Committee on Health and Welfare determined that the proposed rule is not advisable, is unacceptable, and is outside the scope of authority granted to LDH by the constitution and laws of this state.

The House Committee on Health and Welfare contends that the following provisions of the proposed rule, which LDH intends to enact within the state sanitary code, constitute an unlawful intrusion by the health agency into policy pertaining to school administration: "Each school in this state shall prohibit in-person attendance of any individual not vaccinated as required by this subsection unless the individual submits a written statement from a physician stating that such vaccination is contraindicated for medical reasons, or the individual or his parent or guardian submits a written dissent. Each school in this state shall maintain records showing compliance of each attending individual with the requirements of this subsection." The committee recognized and affirmed in its December 6, 2021, hearing that state policy on education and school administration can be set only by the legislature, the State Board of Elementary and Secondary Education, and the Louisiana Department of Education.

By transmittal of this written report and a copy of the proposed rule in accordance with R.S. 49:968(F), the House Committee on Health and Welfare is notifying the Governor, the Louisiana Department of Health, and the Louisiana Register of the action by which it has determined the proposed rule discussed herein to be unacceptable.

Lawrence A. "Larry" Bagley
State Representative, House District No. 7
Chairman, House Committee on Health and Welfare

Office of the Governor
State of Louisiana

JOHN BEL EDWARDS
GOVERNOR



P.O. Box 94004
BATON ROUGE, LOUISIANA 70804-9004
(225) 342-7015
GOV.LA.GOV

December 14, 2021

Honorable Lawrence A. "Larry" Bagley
Chairman, House Committee on Health and Welfare
Louisiana House of Representatives
Post Office Box 94062
Baton Rouge, Louisiana 70804

Dear Chairman Bagley:

I am in receipt of your December 9, 2021 notice that the House Committee on Health and Welfare has met and found unacceptable the administrative rule proposed by the Louisiana Department of Health (LDH) to amend the state immunization schedule provided for in the sanitary code (LAC 51:II.701) to add COVID-19 vaccines to the list of vaccinations required for school and child day care entry. By this letter, I am notifying you that I disapprove of the committee action pursuant to La. R.S. 49:968(G).

First and foremost, I am allowing this rule to go into effect because it will save lives and will help Louisiana to emerge from this pandemic. The facts of this pandemic at this point are crystal clear. As of today, over 770,000 people in Louisiana have tested positive for COVID-19. Tragically, we have lost almost 15,000 people to COVID-19 in the last 22 months. This includes 19 children under 18 years old. By contrast, there have been only 12 significant adverse events related to vaccine administration in Louisiana with zero deaths. By any measure, the COVID-19 vaccines have been a historic success. However, we know that there have been far too many of our friends and neighbors who have yet to be vaccinated. This includes school age children who do have a risk of serious illness and death. By adding the COVID-19 vaccination to the immunization schedule, the Louisiana Department of Health and the State Health Officer are doing exactly as directed and authorized by the Louisiana Legislature pursuant to *La. R.S. 40:4*, *La. R.S. 40:5*, *La. R.S. 40:31.15*, and *La. R.S. 17:170* to protect the health and safety of the people of Louisiana.

Secondly, despite the misleading and conspiratorial rhetoric provided at the House Health and Welfare meeting last week, this rule does not force "experimental shots" on children. The rule explicitly only applies to "vaccines that have been fully approved by the U.S. Food and Drug Administration (FDA) for the individual's age." At this point, the FDA has only fully approved a vaccine (Pfizer) for those 16 years old and above. Thus, the rule does not currently apply to anyone under the age of 16. It will only apply to those under 16 when, and if, the FDA fully approves a

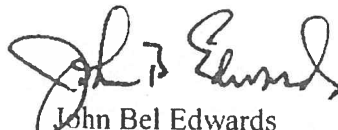


Honorable Lawrence A. "Larry" Bagley
December 14, 2021
Page Two

vaccine for that age group. Further, pursuant to this rule, no child will be forced to be vaccinated against the will of his or her parents. The rule explicitly provides that any student may be exempted by submitting "a written statement from a physician stating that such vaccination is contraindicated for medical reasons, or the individual or his parent or guardian submits a written dissent." This is the same exemption that has long been in state law and is one of the broadest exemptions in the country.

Lastly, while I understand that any issue around COVID-19, especially those that involve our children, can be divisive, I ask that you and your colleagues work with me to get more people in Louisiana vaccinated. It is worth noting that while many of the diseases on the public health immunization schedule were once both rampant and deadly, they are no longer serious risks for school age children in Louisiana. This is true because almost everyone was vaccinated against these diseases, many as a condition for attending elementary school. One can only imagine where we would be as a state if the same overheated rhetoric from last week's meeting was applied to Polio or Measles. The development of the COVID-19 vaccines in time to help us put this pandemic behind us also requires us to do everything we can to add COVID-19 to the list of diseases that no longer pose a serious threat. This rule does just that, and it should remain in place.

Sincerely,



John Bel Edwards
Governor

cc: Dr. Courtney N. Phillips
Senator Fred H. Mills, Jr.
Catherine S. Brindley
Speaker Clay J. Schexnayder
President Patrick "Page" Cortez