

DECLARATION OF EMERGENCY

Department of Insurance Office of the Commissioner

Emergency Rule 40—Moratorium on Policy Cancellations and Non-Renewals for Policyholders in Louisiana during the Outbreak of Coronavirus Disease (COVID-19)

On January 31, 2020, the United States Department of Health and Human Services Secretary Alex A. Azar declared a public health emergency (PHE) for the United States to aid the nation's healthcare community in responding to the coronavirus disease (COVID-19). The United States Centers for Disease Control and Prevention (CDC) has declared COVID-19 a worldwide pandemic due to its global effect. Furthermore, on March 13, 2020, President Donald Trump invoked the Stafford Act and declared a national emergency regarding the COVID-19 outbreak. COVID-19 has been detected in the State of Louisiana with a growing number of residents testing positive for the disease. There is reason to believe that COVID-19 may spread among the population by various means of exposure, therefore posing a significant risk of substantial harm to a large number of citizens of Louisiana.

Emergency Rule 40, originally issued on March 26, 2020, is hereby rescinded, and Emergency Rule 40 is hereby adopted to amend the guidance to provide further clarification of the rating plans that all insurers are to utilize in pricing their products, to provide for changes caused by the federal Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"), other matters related to the protections afforded to insureds, and how all insurers are to operate during Emergency Rule 40. Emergency Rule 40 is hereby adopted to continue to address the statewide public health emergency declared to exist in the state of Louisiana as the result of the imminent threat posed to Louisiana citizens by COVID-19, creating emergency conditions threatening the lives and health of the citizens of this state. Emergency Rule 40 is adopted and issued under the authority of the Commissioner of Insurance for the State of Louisiana, pursuant to the following: Proclamation No. JBE 2020-25 issued on March 11, 2020 by Governor John Bel Edwards declaring a State of Emergency extending from March 11, 2020 through April 9, 2020, unless terminated sooner; Proclamation No. JBE 2020-29 issued on March 14, 2020 transferring authority over certain insurance matters to Commissioner of Insurance James J. Donelon (commissioner); Proclamation No. JBE 2020-33 issued on March 22, 2020 by Governor John Bel Edwards declaring a stay at home order and closure of nonessential businesses until April 13, 2020, unless terminated sooner; and Proclamation No. JBE 2020-37 issued on March 26, 2020 by Governor John Bel Edwards transferring authority over certain insurance matters to Commissioner of Insurance James J. Donelon (commissioner).

Accordingly, Emergency Rule 40 shall apply to any and all kinds of insurers as set forth in R.S. 22:48, and any and all kinds of insurance as set forth in R.S. 22:47, including, but not limited to all property and casualty insurers, all life insurers, all annuity insurers, and all health maintenance organizations (HMOs), managed care organizations (MCOs), preferred provider organizations (PPOs), pharmacy benefit managers (PBMs), and third party administrators

(TPAs) acting on behalf of an HMO, MCO, PPO, and any and all other insurance related entities licensed by the commissioner or doing business in Louisiana (collectively known as "health insurance issuers") and their insureds, policyholders, members, subscribers, enrollees and certificate holders.

COVID-19 has created a mass disruption to the normalcy previously enjoyed by Louisianans and is an immediate threat to the public health, safety, and welfare of Louisiana citizens. To minimize these threats, the State of Louisiana has had to impose significant measures that will certainly have a negative economic impact on the state, resulting in financial hardship for the citizens of Louisiana regarding all matters related to all insurers and all kinds of insurance and also threatening access to adequate coverage during an event in which access to such coverage is uniquely important. In order to respond to the emergency and to protect and safeguard the public health, safety, and welfare of the citizens of this state, it is necessary to adopt Emergency Rule 40.

Title 37 INSURANCE

Part XI. Rules

Chapter 40. Emergency Rule 40—Moratorium on Policy Cancellations and Non-Renewals for Policyholders in Louisiana during the Outbreak of Coronavirus Disease (COVID-19)

§4001. Benefits, Entitlements, and Protections

A. The benefits, entitlements and protections of Emergency Rule 40 shall be applicable to insureds, policyholders, members, subscribers, enrollees and certificate holders who, as of 12:01 a.m. on March 12, 2020 have an insurance policy, insurance contract, or certificate of coverage for any of the kinds of insurance enumerated in §4003.

B. Emergency Rule 40 shall apply to any authorized insurer as defined in R.S. 22:46(3) operating in Louisiana, and to any approved unauthorized insurer, eligible unauthorized insurer, or domestic surplus lines insurer as defined in R.S. 22:46(17.1) operating in Louisiana (sometimes referred to as a surplus lines insurer).

C. Emergency Rule 40 shall apply to every health and accident insurer, health maintenance organization (HMO), managed care organization (MCO), preferred provider organization (PPO), pharmacy benefit manager (PBM), and third party administrator (TPA) acting on behalf of a health insurance issuer, HMO, MCO, PPO, and any and all other insurance related entities licensed by the commissioner or doing business in Louisiana (collectively known as "health insurance issuers").

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq., R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§4003. Applicability and Scope

A. Emergency Rule 40 shall apply to any and all kinds of insurance set forth in R.S. 22:47, including, but not limited to, life, vehicle, liability, workers' compensation, burglary and forgery, fidelity, title, fire and allied lines, steam boiler and sprinkler leakage, crop, marine and transportation, miscellaneous, homeowners', credit life, health and accident,

credit property and casualty, annuity, surety, and industrial fire. The applicability of Emergency Rule 40 to health and accident insurance is specified in §4003.B.

B. Emergency Rule 40 shall apply to any and all kinds of health and accident insurance, including, but not limited to, group and individual health and accident insurance, limited benefit insurance, Medicare supplement insurance, Medicare select insurance, HMOs, PPOs, MCOs except those subject only to licensure and financial solvency regulation pursuant to R.S. 22:1016, excess loss insurance, stop loss insurance, disability income insurance, short-term health insurance, long-term care insurance, and any and all other health insurance.)

C. Emergency Rule 40 §4015 shall apply to only those kinds of insurance provided for in §4003.A and those kinds of insurers specified in §4001.B.

D. Emergency Rule 40 §§4013, 4019, 4021, 4025, 4027, and 4031 shall apply only to those kinds of insurance provided for in §4003.B and those health insurance issuers specified in §4001.C.

E. All provisions of Emergency Rule 40 not expressly limited in §4003.C and D shall apply to all kinds of insurers and all kinds of insurance as defined in §4001 and §4003.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq., R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§4005. Cancellation, Nonrenewal, and Nonreinstatement

A. Emergency Rule 40 hereby suspends any notice of cancellation, notice of nonrenewal, nonreinstatement or any other notice related to any of the kinds of insurance enumerated in §4003 that was in force and effect at 12:01 a.m. on March 12, 2020, and any such notice shall be null and void and have no force of effect. Furthermore, any such notice shall be reissued *de novo* to the insured in accordance with existing statutory requirements after the expiration of Emergency Rule 40 as provided for in §4043.

B. Insurers may issue a notice of cancellation for non-payment of premium during the pendency of Emergency Rule 40. When any such notice is issued during the pendency of Emergency Rule 40, the applicable notice period required by statute or the policy may begin to run, but in no event may the insurer cancel the insurance policy for non-payment of premium until after the expiration of Emergency Rule 40.

C. No policy shall be cancelled or nonrenewed solely because of a claim that is filed during or occurs during the COVID-19 emergency.

D. Unless otherwise expressly authorized in writing by the Commissioner, the cancellation, nonrenewal or nonreinstatement of any insurance policy related to any of the kinds of insurance enumerated in §4003 is hereby suspended and shall not be allowed until after the expiration of Emergency Rule 40 as provided for in §4043.

E. All cancellation, nonrenewal, or nonreinstatement provisions, including, but not limited to, R.S. 22:272, 22:887(F), 22:978, 22:1068, and 22:1074 are hereby suspended, except to the extent such provisions apply to acts or practices constituting fraud or intentional misrepresentations of material fact.

F. As set forth in §4033, Emergency Rule 40 shall not prevent an insurer from cancelling or terminating an insurance policy for fraud or material misrepresentation on the part of the insured.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq., R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§4007. Renewal

A. The renewal conditions of all kinds of insurance enumerated in §4003 that

are subject to renewal after the effective date of Emergency Rule 40 are suspended and shall be deferred until the expiration of Emergency Rule 40 as provided for in §4043. All policies subject to renewal after the effective date of Emergency Rule 40 shall continue in full force and effect at the previously established premium until the expiration of Emergency Rule 40 as provided for in §4043. The previously established premium for renewals by authorized insurers shall be based on the rate structure, rating plan and manual rules that are approved by the commissioner, regardless of whether their effective date was before or during Emergency Rule 40. The previously established premium by authorized insurers for renewals of commercial deregulated insurance policies shall be based on the rate structure, rating plan and manual rules set forth in any filing submitted to the commissioner before or during Emergency Rule 40.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq., R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§4009. Written Request for Cancellation by Insured

A. Except as provided for in §4033 herein, a cancellation shall occur prior to the expiration of Emergency Rule 40 unless upon the documented written request or written concurrence of the insured. This written consent may be in electronic format.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq., R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§4011. New Policies

A. Emergency Rule 40 shall not apply to any new insurance policy for any of the kinds of insurance enumerated in §4003 if said insurance policy is issued on or after March 12, 2020.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq., R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§4013. Claims Notification

A. All claims notification procedures, including, but not limited to, R.S. 22:975(A)(3)-(5), Regulation 33, Regulation 74, and Regulation 77, are suspended.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29,

Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq., R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§4015. Premium Offset

A. insurers subject to Emergency Rule 40 receiving a claim from an insured owing a premium may offset the premium owed by the insured from any claim payment made to the insured under the insurance policy. §4015 shall not apply to health insurance issuers as defined in §4001.C.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq., R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§4017. Obligation of Insured to Pay Premium

Unless otherwise cancelled pursuant to the provisions of §4009 herein, nothing in Emergency Rule 40 shall be construed to exempt or excuse an insured from the obligation to pay the premium otherwise due for actual insurance coverage provided.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq., R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§4019. Timely Payment of Health Claims

A. Only to the extent necessary to permit the pending of claims during a premium payment delinquency by the insured, the provisions of R.S. 22:1832-1834 and Regulation 74 related to timely payment of claims are hereby suspended.

B. For any policy of insurance described in §4003.B which, as a result of nonpayment of premium, would be subject to cancellation or termination but for the suspension ordered in §4005, the health insurance issuer may pend all claims which would not have been denied under such cancellation or termination until the health insurance issuer receives the delinquent premium payment or until such time the health insurance issuer is subsequently entitled to cancel or terminate the policy for non-payment of premium.

C. Once a health insurance issuer receives the delinquent premium payment, all pending claims associated for the time period to which such payment applies shall be processed and adjudicated. The health insurance issuer shall notify the health care provider that the claim is no longer pending and is being processed and adjudicated for payment. Furthermore, the suspension provided for in §4019.A shall be automatically lifted and all applicable timely payment requirements reinstated upon the date of the payment of premium.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq., R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§4021. Payment of Health Claims

A. In the event a health insurance issuer pends a claim, as permitted pursuant to §4019, and is subsequently entitled to cancel or terminate a policy for nonpayment of premium, the health insurance issuer shall pay that claim to the health care provider or health care profession at not less than the following rate or allowance:

1. for noncontracted health care providers or health care professionals, 50 percent of the contracted reimbursement rate;

2. for noncontracted health care providers or health care professionals, 50 percent of the non-participating rate or allowance;

3. with regard to claims submitted pursuant to this Section, when the underlying policy is cancelled or terminated for nonpayment of premium, health insurance issuers shall be allowed to conduct medical necessity reviews on claims related to non-elective services. Non-elective services are those services that are emergent, urgent, or necessary in order to not place the health of the insured at risk;

4. with regard to any and all claims paid by health insurance issuers pursuant to the requirements of this Section, the provisions of R.S. 22:1838 and 22:1859 are hereby suspended and recoupment is prohibited, except to the extent provided for in §4021.B.

B. This Section shall not apply to any claim otherwise compensable under the CARES Act, Pub. L. 116- 136, and subsequent guidance or regulations adopted by the U.S. Department of Health and Human Services in furtherance thereof. Health insurance issuers may seek recoupment of payment for such claims if otherwise permitted by law.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq., R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§4023. Insureds Obligation to Cooperate in Claim Process

A. Emergency Rule 40 shall not relieve an insured who has a claim filed before or during the pendency of Emergency Rule 40 from compliance with the insured's obligation to provide information and cooperate in the claim adjustment process relative to the claim.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq., R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§4025. Physician Credentialing

A. The commissioner hereby suspends physician credentialing pursuant to R.S. 22:1009 such that there are no credentialing requirements with regard to any and all licensed physicians who provide medical services between 12:01 a.m. on March 12, 2020 and the expiration of Emergency Rule 40 as provided for in §4043.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq., R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§4027. New Rate of Premium of Health Insurance

A. For all health insurance issuers specified in §4001.C, any rate increases that were to take effect after the effective date of Emergency Rule 40 are suspended and shall be deferred until the expiration of Emergency Rule 40 as provided for in §4043.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29,

Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq., R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§4029. Imposition of Interest, Penalty, or Other Charge

A. The commissioner hereby suspends the imposition of any interest, penalty, or other charge and declares that no interest, penalty, or other charge shall accrue or be assessed against any insured as the result of the suspensions ordered in Emergency Rule 40.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq., R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§4031. Continuation of Health Coverage

A. The commissioner hereby suspends R.S. 22:1046. In furtherance thereof, a health insurance issuer who has issued a group health insurance policy shall provide to all members or certificate holders under said group policy the option for the continuation of coverage, which said option shall begin on the day after the expiration of Emergency Rule 40 as provided for in §4043. This Section is only applicable in those situations where the employer to whom the group policy had been issued remains in business and continues to offer said group health insurance to active employees for the duration of Emergency Rule 40.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq., R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§4033. Fraud or Material Misrepresentation

A. Emergency Rule 40 shall not prevent an insurer from cancelling or terminating an insurance policy for fraud or material misrepresentation on the part of the insured.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq., R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§4035. Exemption from Compliance

A. Notwithstanding any other provision contained herein, the commissioner may exempt any insurer from compliance with Emergency Rule 40 upon the written request by the insurer setting forth in detail the reasons for the exemption and then only if the commissioner determines that compliance with Emergency Rule 40 may be reasonably expected to result in said insurer being subject to undue hardship, impairment, or insolvency.

B. Notwithstanding any other provision contained herein, Emergency Rule 40 shall not apply to a group health and accident policy issued to an employer that has applied for a loan provided for in the Paycheck Protection Program (PPP) of the CARES Act.

1. In determining the applicability of Emergency Rule 40, an insurer may require an attestation from an employer regarding its participation in the PPP. The insurer shall provide for electronic signature and submission of such attestation. If an employer fails to respond to a written request for an attestation within 15 days of such request, the insurer may presume the employer is participating in the PPP until it receives an attestation to the contrary.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq., R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§4037. Sanctions for Violations

A. The commissioner retains the authority to enforce violations of Emergency Rule 40. Accordingly, any insurer enumerated in Emergency Rule 40 or any other entity doing business in Louisiana and/or regulated by the commissioner who violates any provision of Emergency Rule 40 shall be subject to regulatory action by the Commissioner under any applicable provisions of the Louisiana Insurance Code, Title 22.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq., R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§4039. Authority

A. The commissioner reserves the right to amend, modify, alter, extend, or rescind all or any portion of Emergency Rule 40.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq., R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§4041. Severability Clause

A. If any section or provision of Emergency Rule 40 or its application to any person or circumstance is held invalid, such invalidity or determination shall not affect other sections or provisions or the application of Emergency Rule 40 to any persons or circumstances that can be given effect without the invalid section or provision or application, and for these purposes the sections and provisions of Emergency Rule 40 and the application to any persons or circumstances are severable.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq., R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§4043. Effective Date

A. Emergency Rule 40 shall become effective at 12:01 a.m. on **March 12, 2020** and shall continue in full force and effect until expiration on the earlier of 11:59 p.m. on May 12, 2020 or 11:59 p.m. on the date the governor lifts the state of emergency presently in effect, inclusive of any renewal thereof.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq., R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

James J. Donelon
Commissioner

State of Louisiana



EXECUTIVE DEPARTMENT

PROCLAMATION NUMBER 25 JBE 2020

PUBLIC HEALTH EMERGENCY - COVID-19

- WHEREAS,** the Louisiana Health Emergency Powers Act, La. R.S. 29:760, et seq., confers upon the Governor of the State of Louisiana emergency powers to deal with public health emergencies, including an occurrence or imminent threat of an illness or health condition that is believed to be caused by the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin, in order to ensure that preparations of this state will be adequate to deal with such emergencies or disasters and to preserve the health and lives of the people of the State of Louisiana;
- WHEREAS,** when the Governor after consultation with the public health authority determines that a public health emergency has occurred, or the threat thereof is imminent, La. R.S. 29:766(A) empowers him to declare a state of emergency by executive order or proclamation;
- WHEREAS,** the U.S. Centers for Disease Control and Prevention ("CDC") is responding to an outbreak of respiratory disease caused by a novel (new) coronavirus that was first detected in China and which has now been detected in many other countries, including in the United States. The virus has been named "SARS-CoV-2" and the disease it causes has been named "coronavirus disease 2019" (abbreviated "COVID-19");
- WHEREAS,** according to the CDC's website, person-to-person spread has been subsequently reported in countries outside China, including in the United States. Some international destinations now have apparent community spread with the virus that causes COVID-19, as do some parts of the United States. Community spread means some people have been infected and it is not known how or where they became exposed;
- WHEREAS,** on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak a "public health emergency of international concern" (PHEIC). On January 31, 2020, Health and Human Services Secretary Alex M. Azar II declared a public health emergency (PHE) for the United States to aid the nation's healthcare community in responding to COVID-19;
- WHEREAS,** a World Health Organization statement released March 7, 2020 stated that the global number of confirmed cases of COVID-19 has surpassed 100,000;
- WHEREAS,** as of March 11, 2020, the CDC's website reports that 38 states, including the District of Columbia, have reported cases of COVID-19 to CDC, for a total of 938 confirmed cases, and that states have reported 29 deaths resulting from COVID-19;

- WHEREAS,** on March, 11, 2020, the World Health Organization designated the COVID-19 outbreak as a worldwide pandemic;
- WHEREAS,** on March, 9, 2020, a Louisiana resident, pursuant to CDC protocol, was tested for COVID-19, with the test being presumptively positive;
- WHEREAS,** in the last two days, several more Louisiana residents have tested presumptively positive for COVID-19;
- WHEREAS,** the State of Louisiana has reason to believe that COVID-19 may be spread amongst the population by various means of exposure, therefore posing a high probability of widespread exposure and a significant risk of substantial future harm to a large number of Louisiana citizens;
- WHEREAS,** the Governor of the State of Louisiana has consulted with the public health authority regarding COVID-19;
- WHEREAS,** the Governor, after such consultation, finds that a threat of a public health emergency is imminent;
- WHEREAS,** a declaration of public health emergency is necessary to allow state agencies to thoroughly prepare for any eventuality related to public health needs and deploy additional resources to assist local authorities, if necessary; and
- WHEREAS,** the Secretary of the Department of Health and the State Health Officer have requested that a public health emergency be declared.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

- SECTION 1:** Pursuant to the Louisiana Health Emergency Powers Act, La. R.S. 29:760, et seq., a statewide public health emergency is declared to exist in the State of Louisiana as a result of the imminent threat posed to Louisiana citizens by COVID-19, which has created emergency conditions that threaten the lives and health of the citizens of the State.
- SECTION 2:** The Governor's Office of Homeland Security and Emergency Preparedness and Secretary of the Department of Health are hereby expressly empowered to take any and all actions authorized under the Louisiana Health Emergency Powers Act, La. R.S. 29:760 et seq. in relation to this public health emergency.
- SECTION 3:** The Secretary of the Department of Health and/or the State Health Officer are hereby expressly empowered to take any and all actions authorized thereto under Titles 29 and 40 of the Louisiana Revised Statutes and under the State Sanitary Code (LAC Title 51) in relation to this public health emergency.
- SECTION 4:** Pursuant to La. R.S. 29:724(D)(1), the Louisiana Procurement Code (La. R.S. 39:1551, et seq.) and Louisiana Public Bid Law (La. R.S. 38:2211, et seq.) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services necessary to respond to this emergency.
- SECTION 5:** Pursuant to La. R.S. 29:732(A), prices charged or value received for goods and services sold may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk

incurred in procuring or selling the goods or services during the state of emergency.

SECTION 6: In addition to any authority conferred generally herein or by law, the Governor's Office of Homeland Security and Emergency Preparedness, through consultation with the Secretary of the Department of Health, shall have the primary jurisdiction, responsibility and authority for:

1. Planning and executing public health emergency assessment, mitigation, preparedness response, and recovery for the state;
2. Coordinating public health emergency response between state and local authorities;
3. Collaborating with relevant federal government authorities, elected officials of other states, private organizations or companies;
4. Coordinating recovery operations and mitigation initiatives subsequent to public health emergencies;
5. Organizing public information activities regarding public health emergency response operations; and
6. Taking any other measures deemed necessary and proper, as authorized by law.

SECTION 7: The following travel restrictions will apply to all state employees:

- A. All state employees intending to travel beyond the continental United States shall review the CDC's website at <http://wwwnc.cdc.gov/travel/notices> to determine if the country to be visited has been identified as posing a threat of contracting COVID-19;
- B. All state employees traveling on state business to areas designated as Warning Level 2 or Level 3 or above by the CDC are hereby directed to cancel or postpone these trips; all employees traveling internationally to other countries are hereby required to obtain specific authorization from the Commissioner of Administration;
- C. All state employees intending to travel internationally for non-official reasons are hereby directed to notify their supervisor and Human Resources Director of the travel as soon as possible, but in no event later than forty-eight (48) hours prior to travel, and immediately upon return to the United States;
- D. All state employees with household members who intend to travel or have traveled to areas designated as Warning Level 2 or Level 3 or above by the CDC are hereby directed to notify their supervisor and Human Resources Director of the travel as soon as possible, but in no event later than forty-eight (48) hours prior to the household member's departure, to state the household member's expected date of return, and to notify their supervisor and Human Resources Director immediately upon the household member's actual return to the United States; and
- E. All state employees shall notify their supervisor and Human Resources Director if the employee or a household member develops symptoms associated with COVID-19.

SECTION 8: The Civil Service Commission and the Division of Administration are hereby directed to develop a set of guidelines for state employees who are infected with COVID-19 or under quarantine for possible exposure to COVID-19. Such guidelines shall include direction for the management of sick leave by state

employees and provide for direction, if possible, for the employee to work remotely. The guidelines developed by the Civil Service Commission and the Division of Administration shall be put into effect by this order.

- SECTION 9:** All orders allowing for visitation by the parent of a foster child that resides in a home that is quarantined or isolated due to COVID-19 are hereby suspended. The Department of Child and Family Services is hereby ordered to make all reasonable efforts to allow for alternative visitation.
- SECTION 10:** This Proclamation shall be disseminated promptly by means reasonably calculated to bring its contents to the attention of the general public. The Proclamation shall also be promptly filed with the Governor's Office of Homeland Security and Emergency Preparedness, with the Department of Health, Office of Public Health, and with the Secretary of State.
- SECTION 11:** All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this event.
- SECTION 12:** This order is effective upon signature and shall remain in effect from Wednesday, March 11, 2020 to Thursday, April 9, 2020, unless terminated sooner.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge on this 11th day of March, 2020.

s/John Bel Edwards

GOVERNOR OF LOUISIANA

State of Louisiana

EXECUTIVE DEPARTMENT

PROCLAMATION NUMBER JBE 2020 – 29

ADDITIONAL MEASURES FOR COVID-19 PUBLIC HEALTH EMERGENCY

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, the Governor declared a Public Health emergency in Proclamation Number 25 JBE 2020;

WHEREAS, on March 13, 2020, in emergency proclamation 27 JBE 2020, the Governor supplemented the measures taken in his declaration of a Public Health Emergency with additional restrictions and suspensions of deadlines and regulations in order to protect the health and safety of the public from the threat of COVID-19;

WHEREAS, the COVID-19 pandemic has necessitated an increased need for supply chain movement of commerce that extends beyond the normal call for demand and business hours;

WHEREAS, the Federal Motor Carrier Safety regulations, 49 CFR 390, *et seq.*, limit the hours operators of commercial motor vehicles may drive;

WHEREAS, 49 CFR 390.23 provides an exemption from these regulations for up to 30 days if an emergency has been declared by the Governor;

WHEREAS, the Secretary of the Department of Transportation and Development is requesting that a state of emergency be declared pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*; and

WHEREAS, further, several additional measures are necessary to ensure that goods and supplies can be delivered within the State of Louisiana: that health care providers can be available for treatment of those affected with COVID-19; that certain fees and fines for the Department of Health for those affected by the disaster are waived; that certain insurance regulations may be lifted by the Commissioner of Insurance; and that workers who lose employment because of this emergency are able to obtain unemployment benefits in a timely manner.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: There shall be an exemption from the federal rules and regulations that limit the hours operators of commercial vehicles may drive, specifically, Part 395 (drivers' hours of service) of Title 49 of the Code of Federal Regulations, and any additional appropriate response regarding additional expenditures due to this declaration as determined by the Secretary of the Department of Transportation and Development, or by the Louisiana State Police or local law enforcement agencies for public safety issues in order to ensure the uninterrupted supply of essential goods and commodities.

SECTION 2: Nothing herein shall be construed as an exemption from the Commercial Driver's License requirements in 49 CFR 383, the financial requirements in 49 CFR 387, or applicable federal size and weight limitations.

- SECTION 3:** The Commissioner of Insurance shall have limited authority from the Governor to suspend provisions of any regulatory statute of Title 22 of the Louisiana Revised Statutes of 1950 concerning any health insurance policy or contract relative to the current public health emergency, where such statutory or regulatory requirements prevent, hinder, or delay necessary action in coping with the current public health emergency, including the prohibition of any cost sharing, deductibles, copayments, and coinsurance related to the diagnosis or approved treatment of COVID-19.
- SECTION 4:** This authority granted to the Commissioner shall not relieve an insured who has a claim caused by this public health emergency, or its aftermath, from compliance with the insured's obligation to provide information and cooperate in the claim adjustment process relative to such claim, or to pay insurance premiums upon termination of the provisions of this Order.
- SECTION 5:** Louisiana state licensure laws, rules, and regulations for medical professionals and personnel are hereby suspended for those medical professionals and personnel from other states or other countries offering medical services in Louisiana to those needing medical services as a result of this disaster provided that said out-of-state or out-of-country medical professionals and personnel possess a current medical license in good standing in their respective state or country of licensure and that they practice in good faith and within the reasonable scope of his or her skills, training, or ability.
- SECTION 6:** All out-of-state or out-of-country medical professionals and personnel offering services in the state of Louisiana by authority of this Order shall submit to the State Health Officer, or his designee at the Office of Public Health within the Louisiana Department of Health, a copy of their respective professional license and photo identification, together with any other forms or documents the State Health Officer may require, by contacting the Office of Public Health.
- SECTION 7:** The following specific provisions of the Louisiana Revised Statutes of 1950 related to the imposition of fees or charges related to transactions with the Department of Health, or their authorized agent, as qualified by this Order, are hereby suspended for transactions by individuals when, as determined by any guidelines or directions issued by the Secretary, the request is a result of the emergency conditions:
- A. La. R.S. 40:40(2), to the extent that it requires payment of a fee for production of a duplicate birth record; and
 - B. La. R.S. 40:40(3), to the extent that it requires payment of a fee for production of a duplicate death certificate.
- SECTION 8:** The following statutes relating to unemployment insurance are hereby suspended to the extent and in the manner provided for below:
- A. La. R.S. 23:1600(4) shall be suspended while this Order is in effect for emergency-related claims to the extent that claimants are required to wait a period of one week before receiving benefits.
 - B. La. R.S. 23:1601(1) and (2), which provide certain disqualifications for otherwise eligible claimants. Such disqualifications include reasons for separation from employment, including a substantial change in employment by the employer or intentional misconduct connected with employment by the claimant. Separations that are the direct result of the impact caused by COVID-19 are not the fault of either the employer or the claimant. Administration of these separation issues with regard to such claims places an unnecessary burden on the state's unemployment system. Otherwise eligible claimants shall not be disqualified based on R.S. 23:1601(1) or (2).

SECTION 9: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this event.

SECTION 10: These provisions extend retroactively from the initial declaration of emergency from Wednesday, March 11, 2020 to Thursday, April 9, 2020, unless terminated sooner.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 14th day of March, 2020.



GOVERNOR OF LOUISIANA

ATTEST BY THE
SECRETARY OF STATE



SECRETARY OF STATE



EXECUTIVE DEPARTMENT

PROCLAMATION NUMBER 33 JBE 2020

***ADDITIONAL MEASURES FOR COVID-19
STAY AT HOME***

- WHEREAS,** pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, the Governor declared a Public Health emergency in Proclamation Number 25 JBE 2020 in response to the threat posed by COVID-19;
- WHEREAS,** on March 11, 2020, in Emergency Proclamation Number 25 JBE 2020, the Governor declared that a statewide public health emergency exists in the State of Louisiana because of COVID-19 and expressly empowered the Governor's Office of Homeland Security and Emergency Preparedness and the Secretary of the Department of Health and/or the State Health Officer to take all actions authorized under state law;
- WHEREAS,** on March 13, 2020, in Emergency Proclamation Number 27 JBE 2020, the Governor supplemented the measures taken in his declaration of a Public Health Emergency with additional restrictions and suspensions of deadlines and regulations in order to protect the health and safety of the public because of COVID-19;
- WHEREAS,** the extraordinary threat posed by COVID-19 has caused critical shortages of health care equipment, personal protective equipment, and possible shortages in hospital beds, throughout the state;
- WHEREAS,** without additional measures to slow the spread of COVID-19 in the state, health care facilities in parts of the state or even throughout the state are at significant risk of being overwhelmed;
- WHEREAS,** in line with guidance from the Centers for Disease Control (CDC) and after consultation with the State Health Officer and the Director of the National Institute of Allergy and Infectious Disease, it is clear that additional measures are necessary to protect the health and safety of the public, to mitigate the impact of COVID-19, and to disrupt the spread of the virus;
- WHEREAS,** after declaration of a public health emergency, the Governor is authorized by La. R.S. 29:766(D)(7) to control "ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein";
- WHEREAS,** in addition to the temporary closure of certain businesses ordered because of this emergency in Section 2 of Proclamation Number 30 JBE 2020, certain additional businesses need to be temporarily closed to the public during this emergency;
- WHEREAS,** further, in addition to businesses closed to the public by this order, other businesses throughout the state will need to **reduce operations to continue with minimum contact with members of the public and only essential employees, while requiring proper social distancing;**
- WHEREAS,** these measures relating to closure of certain businesses and to limit the operations of non-essential businesses are necessary because of the propensity of the COVID-19 virus to spread via personal interactions and because of physical contamination of property due to its ability to attach to surfaces for prolonged periods of time; and

WHEREAS, these measures are necessary to protect the health and safety of the people of Louisiana.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: All state office buildings are closed to the public, effective immediately. However, essential state functions shall continue.

SECTION 2: Section 1 of Proclamation Number 30 JBE 2020 is hereby amended as follows:

In an effort to reduce and limit the spread of COVID-19 in Louisiana, and to preserve the health and safety of all members of the public, all gatherings of **10** people or more shall be postponed or cancelled. This applies only to gatherings in a single space at the same time where individuals will be in close proximity to one another. It does not apply to normal operations at locations like airports, medical facilities, office buildings, factories or manufacturing facilities, or grocery stores. This provision may be extended beyond Monday, April 13, 2020 by further order.

SECTION 3: To preserve the public health and safety, and to ensure the healthcare system is capable of serving all citizens in need, especially those at high risk and vulnerable to COVID-19, all individuals within the state of Louisiana are under a general stay-at-home order and are directed to stay home unless performing an essential activity. An activity is essential if the purpose of the activity is one of the following:

- A. Obtaining food, medicine, and other similar goods necessary for the individual or a family member of the individual.
- B. Obtaining non-elective medical care and treatment and other similar vital services for an individual or a family member of the individual.
- C. Going to and from an individual's workplace to perform a job function necessary to provide goods or services being sought in Subsections (A) and (B) of this Section, or as otherwise deemed essential worker functions. Guidance provided by the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency (CISA) on what workers are essential is outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>.
- D. Going to and from the home of a family member.
- E. Going to and from an individual's place of worship.
- F. Engaging in outdoor activity, provided individuals maintain a distance of six feet from one another and abide by the 10-person limitation on gathering size established in this proclamation.

SECTION 4: (A) Further, in addition to businesses that are closed to the public pursuant to Proclamation Number 30 JBE 2020, the following nonessential businesses shall be closed to the public and members:

1. All places of public amusement, whether indoors or outdoors, including but not limited to, locations with amusement rides, carnivals, amusement parks, water parks, trampoline parks, aquariums, zoos, museums, arcades, fairs, pool halls, children's play centers, playgrounds, theme parks, any theaters, concert and music halls, adult entertainment venues, racetracks, and other similar businesses.
2. All personal care and grooming businesses, including but not limited to, barber shops, beauty salons, nail salons, spas, massage parlors, tattoo parlors, and other similar businesses.

3. All malls, except for stores in a mall that have a direct outdoor entrance and exit that provide essential services and products as provided by CISA guidelines.
- (B) Businesses closed to the public pursuant to this provision shall not be prohibited from conducting necessary activities such as payroll, cleaning services, maintenance or upkeep as necessary.

SECTION 5: Any business not covered by the guidance from the CISA discussed in Section 3 and not ordered temporarily closed in Section 4 shall reduce operations to continue with minimum contact with members of the public and essential employees, while requiring proper social distancing. Further, the 10-person limitation on gathering size shall apply to such business operations. Early learning centers and child care facilities adhering to the guidance issued by the Louisiana Department of Education and Office of Public Health may continue to operate.

SECTION 6: The Governor's Office of Homeland Security and Emergency Preparedness is directed to ensure compliance with this order, and is empowered to exercise all authorities pursuant to La. R.S. 29:721, *et seq.*, and La. R.S. 29:760, *et seq.*

SECTION 7: Unless otherwise provided in this order, these provisions are effective from 5:00 p.m. on Monday, March 23, 2020 to Monday, April 13, 2020, unless terminated sooner.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 22nd day of March, 2020.

GOVERNOR OF LOUISIANA

ATTEST BY THE
SECRETARY OF STATE

SECRETARY OF STATE



EXECUTIVE DEPARTMENT

PROCLAMATION NUMBER 37 JBE 2020

***ADDITIONAL MEASURES FOR COVID-19
PROVISIONS FOR FIRST-RESPONDER RULEMAKING,
LAW ENFORCEMENT REHIRING,
REHIRING OF RETIRED PUBLIC EMPLOYEES,
INSURANCE COMMISSIONER EMERGENCY AUTHORITY,
SHAREHOLDER MEETINGS, AND REMOTE NOTARIZATION***

- WHEREAS,** pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, the Governor declared a public health emergency in Proclamation Number 25 JBE 2020 in response to the threat posed by COVID-19;
- WHEREAS,** on March 11, 2020, in Emergency Proclamation Number 25 JBE 2020, the Governor declared that a statewide public health emergency existed in the State of Louisiana because of COVID-19 and expressly empowered the Governor's Office of Homeland Security and Emergency Preparedness and the Secretary of the Department of Health and/or the State Health Officer to take all actions authorized under state law;
- WHEREAS,** on March 13, 2020, in Emergency Proclamation Number 27 JBE 2020, the Governor supplemented the measures taken in his declaration of a Public Health Emergency with additional restrictions and suspensions of deadlines and regulations in order to protect the health and safety of the public because of COVID-19;
- WHEREAS,** on March 13, 2020, in Emergency Proclamation Number 27 JBE 2020 and Emergency Proclamation 28 JBE 2020, the Governor supplemented the measures taken in his declaration of a public health emergency with additional restrictions and suspensions of deadlines and regulations in order to protect the health and safety of the public because of COVID-19;
- WHEREAS,** the order was further supplemented on March 14, 2020, March 16, 2020, March 19, 2020 and March 22, 2020 in order to protect the health and safety of the public because of the extraordinary threat posed by COVID-19;
- WHEREAS,** on March 16, 2020, in Emergency Proclamation Number 30 JBE 2020, the Governor supplemented the measures taken in his declaration of Public Health Emergency by providing all state agencies, boards and commissions, and local political subdivisions of the state to provide for attendance at essential governmental meetings via teleconference or video conference and to allow such attendance during the pendency of this emergency;
- WHEREAS,** in the days since the declaration of public health emergency, the COVID-19 outbreak in Louisiana has expanded significantly;
- WHEREAS,** the first responders of Louisiana are coming into direct contact with citizens who have COVID-19 or may have been exposed to COVID-19;
- WHEREAS,** first responders exposed to COVID-19 in quarantine are being required to use their paid sick leave, paid annual leave or paid compensatory leave;

WHEREAS, a large portion of the first responders are subject to the Municipal Fire and Police Civil Service laws of Louisiana;

WHEREAS, In accordance with R.S. 33:2497 and R.S. 33:2557, local Municipal Fire and Police Civil Services Boards have the authority to adopt rules relative to leaves of absences;

WHEREAS, the spread of the COVID-19 virus has adversely affected a substantial number of public safety personnel in the performance of their missions;

WHEREAS, in addition, the limitations on compensation for re-hiring retired deputies and corrections officers on a full-time basis have made filling the depleted ranks of law enforcement difficult;

WHEREAS, the various sheriffs of Louisiana have expressed an urgent need to re-hire retired deputies on a full-time basis to maintain their law enforcement missions;

WHEREAS, the spread of the COVID-19 virus has adversely affected a substantial number of public employers, including but not limited to public health and safety agencies, in the performance of their missions;

WHEREAS, the limitations on hiring separated public employees on a contractual basis have made filling the depleted ranks of state agencies, including health and law enforcement impossible;

WHEREAS, the various state agencies have expressed an urgent need to utilize separated public employees to maintain and fulfill their missions;

WHEREAS, after declaration of a public health emergency, the Governor is authorized by La. R.S. 29:766(D)(1) to suspend the provisions of any regulatory statute prescribing procedures for the conducting of state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, after declaration of a public health emergency, the Governor is authorized by La. R.S. 29:766(D)(3) to transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

WHEREAS, to aid businesses of this state in navigating the crisis in a prompt manner, reducing their insurance premiums, and accounting for volatility in projections in a time of crisis, it is necessary to grant the Commissioner of Insurance authority to suspend provisions Title 22 of the Louisiana Revised Statutes of 1950 concerning commercial insurance policies;

WHEREAS, in addition to the restrictions previously ordered because of this emergency, it is necessary to temporarily suspend certain provisions of the Business Corporation Act to the extent they require meetings of shareholders to be noticed and/or held at a physical location;

WHEREAS, the suspension of certain provisions of the Business Corporation Act to the extent they require meetings of shareholders to be noticed and/or held at a physical location are necessary because of the propensity of the COVID-19 virus to spread via personal interactions and because of physical contamination of property due to its ability to attach to surfaces for prolonged periods of time;

WHEREAS, due to the extraordinary threat posed by COVID-19 and to further support the stay at home order, in order to provide Louisiana citizens and business with a secure and safe method by which to execute important legal documents, the highly contagious nature of this threat necessitates that a notary public commissioned under the laws of the State of Louisiana may perform notarization

for an individual not in the physical presence of the notary public, subject to certain safeguards to ensure the integrity of the notarial process; and

WHEREAS, these measures are necessary to protect the health and safety of the people of Louisiana.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

- SECTION 1:**
- A) In an effort to preserve the health and safety of the first responders, specifically the firefighters and police officers subject to the Municipal Fire and Police Civil Service System, all local Municipal Fire and Police Civil Service Boards are to meet to adopt emergency rules to provide for special COVID-19 leave rules.
 - B) In order to quickly achieve these rule adoptions, the 30-day notice requirements for rule adoptions found in R.S. 33:2478 and R.S. 33:2538 are hereby suspended during the pendency of the declaration of public health emergency.
 - C) Municipal Fire and Police Civil Service Boards shall post notice of the proposed emergency rule with the 24-hour public meeting notice provided in R.S. 42:19.
 - D) Due to the Stay at Home Order issued by Proclamation Number 33 JBE 2020, all Municipal Fire and Police Civil Service Boards shall conduct a meeting by teleconference or video conference by Monday, March 30, 2020.

- SECTION 2:**
- A) The limitation on receipt of full retirement benefits by rehired retirees assigned to road patrol or corrections function only, under La. R.S. 11:2175(E) shall be suspended for the duration of this emergency. Any sheriff may rehire on a full-time basis any otherwise qualified retirees to road patrol or corrections functions only, without loss or suspension of retirement benefits to those rehired deputies, for the duration of the emergency.
 - B) The Boards of Trustees of the Louisiana Sheriffs Pension and Relief Fund shall not be required to suspend benefits to retirees rehired as full-time employees covered by this proclamation.

- SECTION 3:**
- Pursuant to La. R.S. 29:724(D)(1), the two-year limitation on public employees, following their separation from public service, contracting with their former agency as more fully set forth in La. R.S. 42:1121(B)(1) shall be suspended for the duration of this emergency. Any state agency may contract with any otherwise qualified separated employee to assist the state agency in the performance of their mission, as reasonably necessary, for the duration of the emergency.

- SECTION 4:**
- A) Commissioner of Insurance James J. Donelon shall have limited transfer of authority from the Governor to suspend provisions of any regulatory statute of Title 22 of the Louisiana Revised Statutes of 1950 concerning commercial insurance policies rated using auditable exposure bases, including but not limited to payroll, sales, enrollment, attendance, occupancy rates, square footage or any other basis now affected by the current public health emergency, to require when requested, mid-term audits, self-audits or other adjustments to rating bases, thereby reducing the associated premium and more accurately reflecting annual exposure projections. This does not waive an insurer's rights or responsibilities to perform a final audit at policy expiration.
 - B) No provision in this proclamation shall relieve an insured who has a

claim caused by this public health emergency, or its aftermath, from compliance with the insured's obligation to provide information and cooperate in the claim adjustment process relative to such claim. or to pay insurance premiums upon termination of these provisions.

SECTION 5:

- A) Subpart A of Part 7 of the Business Corporation Act, including without limitation, Subsection B of Section 1-701, subsection C of 1-702 and subsections A and E of Section 1-705 of the Business Corporation Act, is hereby suspended to the extent it requires meetings of shareholders to be noticed and held at a physical location in connection with any shareholder meeting that either (a) has a record date that falls during the Public Health emergency declared by Proclamation Number 25 JBE 2020 (or as extended by any subsequent Proclamation), (b) requires notice to be provided in connection therewith during the Public Health emergency declared by Proclamation Number 25 JBE 2020 (or as extended by any subsequent Proclamation) or (c) is scheduled to occur during the Public Health emergency declared by Proclamation Number 25 JBE 2020 (or as extended by any subsequent Proclamation).
- B) This Proclamation shall remain in full force and effect with respect to any meeting duly called and convened in accordance with the Business Corporation Act and in reliance upon Section 1 hereof, notwithstanding the lapse or termination of this Proclamation.

SECTION 6:

- A) During this emergency, a regularly commissioned notary public who holds a valid notarial commission in the state of Louisiana, including a person who is licensed to practice law and commissioned by the Secretary of State, may perform notarization for an individual not in the physical presence of the notary public if:
 - 1) the individual, any witnesses and the notary public can communicate simultaneously by sight and sound through an electronic device or process at the time of the notarization;
 - 2) the notary public—
 - a) has reasonably identified the individual; and
 - b) either directly or through an agent:
 - i) creates an audio and visual recording of the performance of the notarization, and
 - ii) retains such recording as a notarial record for at least 10 years from the date of execution unless a law of the State requires a different period of retention, and if any laws of the State govern the content, retention, security, use, effect, and disclosure of such recording and any information contained therein such recording shall be subject thereto.
 - c) The person appearing, all witnesses and the Notary Public can affix their digital signatures to the act in a manner that renders any subsequent change or modification of the remote online notarial act to be evident.
- B) If a State law requires an individual to appear personally before or be in the physical presence of a notary public at the time of a notarization that requirement shall be satisfied if the individual and the notary public are not in the physical presence of each other but can communicate simultaneously by sight and sound through an electronic device or process at the time of the notarization; except for the laws pertaining to testaments, trust instruments, donations inter vivos, matrimonial agreements, acts modifying, waiving or extinguishing an obligation of final spousal support and authentic acts.
- C) During this emergency, the recorder (as used in La. C.C. Art 3344) shall not refuse to record a tangible copy of an electronic record on the ground that it does not bear the original signature of a person if a notary public


or other officer before whom it was executed certifies that the tangible copy is an accurate copy of the electronic record.

SECTION 7: The Governor's Office of Homeland Security and Emergency Preparedness is directed to ensure compliance with this order, and is empowered to exercise all authorities pursuant to La. R.S. 29:721, et seq., and La. R.S. 29:760, et seq.

SECTION 8: Unless otherwise provided in this order, these provisions are effective retroactively to the beginning on this emergency on Wednesday, March 11, 2020 to Monday, April 13, 2020, or as extended by any subsequent Proclamation, unless terminated sooner.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 26th day of March, 2020.



GOVERNOR OF LOUISIANA

**ATTEST BY THE
SECRETARY OF STATE**

SECRETARY OF STATE