



Genetic Testing and Cancer Screening Leave Laws Take Effect in Louisiana: What Employers Need to Know

Insights

8.01.23

A new Louisiana law takes effect today to require employers to provide time off from work for medically necessary genetic testing and cancer screening. The new law also prohibits discrimination and retaliation against employees who take such leave. What do Louisiana employers need to know in order to come into compliance?

Employer Requirements

Louisiana employers with 20 or more employees are now required to provide employees a day's leave of absence from work to obtain medically necessary genetic testing or cancer screening. According to the law sponsored by Senator Royce Duplessis, the following apply:

- The test or screening must be medically necessary: "Those healthcare services that are in accordance with generally accepted evidence-based medical standards by most physicians or independent licensed practitioners within the community of their respective professional organizations to be the standard of care."
- Testing or screening must be "reasonably necessary to diagnose, correct, cure, alleviate, or prevent the worsening of a condition or conditions that endanger life, cause suffering or pain, or have resulted or will result in a handicap, physical deformity, or malfunction, and those for which no equally effective and less costly course of treatment is available or suitable for the recipient."
- Services that are investigational, cosmetic, or experimental and not approved by the Federal Drug Administration are not considered medically necessary.

Employee Obligations

Employees should give at least 15 days' advance notice to their employer prior to taking leave and make a reasonable effort to schedule the leave so as not to cause undue disruption of the employer's business operations. Employees may be required by their employer to provide documentation confirming the performance of the genetic testing and/or cancer screening. However, employees are not required to disclose the results of the test or screening. An employer should not inquire about results either.

Is This Paid Leave?

Employers are not required to provide paid time off for genetic testing and/or cancer screening. Employees may elect to substitute any accrued paid time off that the employer provides. Remember that employees who are exempt under the Fair Labor Standards Act fall with the deduction laws set by federal law.

What Should Employers Do Next?

In addition to reviewing current leave and discrimination policies, there will be a new required workplace posting. The Louisiana Workforce Commission is tasked with creating and publishing this new poster. Stay tuned for a compliant poster to be released in the near future.

Conclusion

We will monitor developments related to this new law and provide updates as warranted, so make sure you are subscribed to Fisher Phillips' Insight System to get the most up-to-date information sent directly to your inbox. If you have questions, contact your Fisher Phillips attorney, the authors of this Insight, or any attorney in our New Orleans office.

Related People



Michelle I. Anderson
Partner
504.529.3839
Email

Service Focus

Employee Leaves and Accommodations

Related Offices

New Orleans

