

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

July 1, 2021

**VIA HAND DELIVERY**

Honorable Clay J. Schexnayder  
Speaker of the House  
Louisiana House of Representatives  
Post Office Box 94062  
Baton Rouge, Louisiana 70804-9062

RE: Veto of House Bill 498 of the 2021 Regular Session

Dear Speaker Schexnayder:

Please be advised that I have vetoed House Bill 498 of the 2021 Regular Session.

This bill is an attempt to respond to concerns by some legislators and members of the public around the COVID-19 vaccines. While questions about the safety and efficacy of any vaccines are understandable, a few bills passed the legislature which undermine the faith of the public in the COVID-19 vaccines. House Bill 498 is one of them. This is unfortunate and dangerous. No public official should contribute to the false narrative that the COVID-19 vaccines are anything other than safe and incredibly effective. This is especially true as the B.1.617.2 "Delta" variant of COVID-19, which is perhaps more transmissible and deadly than prior variants, threatens to become the predominant strain in the United States.

Current state law already provides for vaccine requirements for elementary and secondary schools, colleges, universities, proprietary schools, vocational schools, and licensed day care centers that are based on expert medical advice and schedules put together by the Louisiana Department of Health. See La. R.S. 17:170 et seq. Current law also provides for exceptions to those requirements for medical or other personal reasons. This reasonable approach to vaccine requirements has been in current law without significant controversy for decades.<sup>1</sup> The same exceptions in current law should apply to any possible COVID-19 vaccine requirements.

Lastly, the bill attempts to create a back door though which vaccine requirements could be put in place "if the application for use of such a vaccine has been approved by the secretary of the United States Food and Drug Administration." This appears to be a way of allowing vaccine requirements if the vaccine has obtained full approval of the FDA and is no longer under an Emergency Use Authorization. However, there are significant problems with the language. First, it is not "the secretary" who grants approval. In

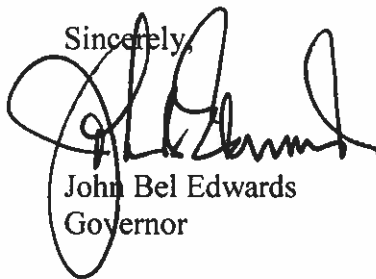
---

<sup>1</sup> In 2015, meningitis was added to the list of vaccine requirements by the legislature with only one vote in opposition.

Honorable Clay J. Schexnayder  
July 1, 2021  
Page Two

fact, the FDA does not even have a secretary, it has a Commissioner.<sup>2</sup> It is unclear whether the inclusion of this language was intentional or accidental. Further, when a vaccine is given approval, it is done so by the FDA, not by the Commissioner's (or secretary's) personal approval. Secondly, the language also describes "a vaccine" being given full approval, as if only a singular vaccine is subject to these requirements. That is not the case. The bill thus presents several unanswered questions about what happens if one vaccine receives full authorization while others have yet to receive it. This does not appear to be contemplated by the bill even though it is almost certain to occur. This bill is unworkable and would lead to further mistrust of the safety of the COVID-19 vaccines. It should not become law.

Sincerely,

A handwritten signature in black ink, appearing to read "John Bel Edwards", is written over the word "Sincerely,". The signature is stylized and cursive.

John Bel Edwards  
Governor

cc: Honorable Patrick Page Cortez  
Louisiana Senate President

---

<sup>2</sup> <https://www.fda.gov/about-fda/fda-commissioner>. At the moment, FDA does not even have an appointed Commissioner, but has an Acting Commissioner.

2021 Regular Session

HOUSE BILL NO. 498

BY REPRESENTATIVES EDMONSTON, AMEDEE, BACALA, CREWS, EDMONDS,  
FIRMENT, GAROFALO, HODGES, HORTON, MCCORMICK, ORGERON,  
CHARLES OWEN, ROMERO, SCHAMERHORN, SEABAUGH, AND STAGNI

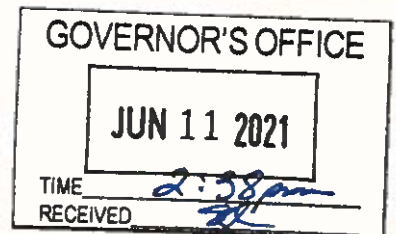
AN ACT

To enact R.S. 49:186, relative to discrimination based on vaccination or immunity status; to prohibit state and local government agencies and officials from discriminating between individuals based on such status; to provide for enforcement; and to provide for related matters.

**ORIGINATED**

IN THE

House of Representatives



*Michelle D. Linderot*  
Clerk of the House of Representatives

2021 Regular Session

HOUSE BILL NO. 498

BY REPRESENTATIVES EDMONSTON, AMEDEE, BACALA, CREWS, EDMONDS,  
FIRMINT, GAROFALO, HODGES, HORTON, MCCORMICK, ORGERON,  
CHARLES OWEN, ROMERO, SCHAMERHORN, SEABAUGH, AND STAGNI

1 AN ACT

2 To enact R.S. 49:186, relative to discrimination based on vaccination or immunity status;  
3 to prohibit state and local government agencies and officials from discriminating  
4 between individuals based on such status; to provide for enforcement; and to provide  
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 49:186 is hereby enacted to read as follows:

8 §186. Discrimination based on vaccination or immunity status prohibited

9 A. Except as provided in Subsection C of this Section, no official, governing  
10 authority, or agency of the state or of any political subdivision of the state shall, in  
11 executing any of its programs, policies, duties, or functions, distinguish between  
12 individuals based on whether a person has or has not received a vaccine targeting  
13 COVID-19 disease or SARS-COV2 or any variant or mutation thereof until the date  
14 that the application for use of such a vaccine has been approved by the secretary of  
15 the United States Food and Drug Administration and the Emergency Use  
16 Authorization for such a vaccine is no longer effective.

1           B. Actions prohibited by Subsection A of this Section include but are not  
2           limited to discrimination based on a person's vaccination or immunity status in any  
3           of the following acts:

4                   (1) Determination of eligibility for any program or benefit.

5                   (2) Issuance of any license, permit, certificate, degree, or any other official  
6                   permission or recognition.

7                   (3) Application of requirements for the initiation, continuation, or resolution  
8                   of any judicial or administrative proceeding.

9                   (4) Allowing participation in any public hearing or other government  
10                   sponsored event that is open to the public including access to any public building or  
11                   facility.

12                   (5) Application of any financial, procedural, or other burden placed on  
13                   individuals in connection with a government service, decision, or program.

14                   (6) Application of any rule or regulation and any penalty.

15                   (7) Discrimination in any government service whatsoever except as provided  
16                   by Subsection C of this Section.

17           C. The prohibition of Subsection A of this Section does not apply to:

18                   (1) The provision of medical services in a licensed healthcare facility.

19                   (2) Immunization requirements involving schools and education institutions  
20                   as specifically provided for by law, except that the prohibition of Subsection A of  
21                   this Section shall apply to vaccines targeting COVID-19 disease or SARS-COV2 or  
22                   any variant or mutation thereof, until the date that the application for use of such a  
23                   vaccine has been approved by the secretary of the United States Food and Drug  
24                   Administration and the Emergency Use Authorization for such a vaccine is no longer  
25                   effective.

1  
2  
3

D. Any person may commence a suit for the issuance of a writ of mandamus or injunctive or declaratory relief to require compliance with the provisions of this Section, together with reasonable attorney fees and costs.



SPEAKER OF THE HOUSE OF REPRESENTATIVES



PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

