SLS 19RS-403 **ORIGINAL**

2019 Regular Session

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SENATE BILL NO. 177

BY SENATORS WHITE AND CLAITOR

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PHYSICIANS. Provides relative to prohibited restraint of certain professions. (8/1/19)

AN ACT

2	To enact R.S. 23:921(M), relative to prohibited restraint of certain professions; to provide
3	for prohibited contract provisions; to provide for protected professions; to provide
4	for definitions; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 23:921(M) is hereby enacted to read as follows:
7	§921. Restraint of business prohibited; restraint on forum prohibited; competing
8	business; contracts against engaging in; provisions for
9	* * *
10	M.(1) Notwithstanding any provision herein to the contrary, no contract
11	agreement or provision thereof shall be enforceable to restrict any physician
12	nurse, advanced practice registered nurse, nurse practitioner, or physician
13	assistant from practicing who has practiced in their field for a five-year
14	continuous period in the same community while subject to a noncompete or
15	nonsolicitation agreement.
16	(2) For purposes of this Subsection, the following meanings shall apply:
17	(a) "Physician" is as defined in R.S. 37:1262.

1	(b) "Nurse," "advanced practice registered nurse," and "nurse
2	practitioner" is as defined in R.S. 37:913.
3	(c) "Physician assistant" is as defined in R.S. 37:1360.22.
4	(d) "Community" means the same geographical area of prohibition as
5	contained in that particular physician noncompete or nonsolicitation contract,
6	agreement or provision thereof.
	The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christine Arbo Peck.

DIGEST

White

<u>Present law</u> prohibits contracts or agreements which restrain anyone from exercising a lawful profession, trade, or business of any kind, unless specifically exempt by <u>present law</u>.

<u>Proposed law retains present law and limits noncompete and nonsolicitation contract clauses to five years of continuous practice in the same geographical area for physicians, nurses, advanced practice registered nurse, nurse practitioners, and physician assistants.</u>

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Effective August 1, 2019.

(Adds R.S. 23:921(M))

SB 177 Original