

Regular Session, 2009

HOUSE BILL NO. 517

BY REPRESENTATIVE LEBAS

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

HEALTH CARE/PROVIDERS: Protects persons from liability, discrimination, and employment action for refusing to provide certain health care services

1 AN ACT

2 To enact R.S. 40:1299.35.9, relative to health care services; to protect persons who refuse  
3 to provide health care services from certain types of punitive measures; 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. 40:1299.35.9 is hereby enacted to read as follows:

7 §1299.35.9. Conscience in health care protection; definitions

8 A.(1) Any person, employer, or entity whether public or private, has the right  
9 not to participate in, and no person, employer, or entity, whether public or private,  
10 shall be required to participate in any health care service that violates his conscience.

11 No person, employer, or entity, whether public or private, shall be held civilly or  
12 criminally liable, discriminated against, dismissed, demoted, or in any way  
13 prejudiced or damaged for declining to participate in any health care service that  
14 violates its conscience.

15 (2) This Section shall not prevent an inquiry by an employer or patient  
16 regarding whether a person, employer, or entity declines to participate in any health  
17 care service that violates its conscience. When a patient requests health care  
18 services, a person, employer, or entity shall identify, in writing, as soon as  
19 practicable, its declination to provide a service in accordance with the provisions of  
20 this Section.

1           (3) The provisions of this Section shall not be construed to relieve any health  
2           care provider from providing emergency care as required by state or federal law.

3           B. For purposes of this Section:

4           (1) "Conscience" means sincerely held religious belief or moral conviction.

5           (2) "Health care service" includes, but is not limited to, abortion,  
6           dispensation of drugs affecting the reproductive process, artificial insemination,  
7           sterilization, artificial reproductive technologies, human embryonic stem cell  
8           research, human embryo cloning, fetal experimentation, euthanasia, or physician-  
9           assisted suicide.

10           (3) "Participate" means to counsel, advise, provide, perform, assist in, refer  
11           for, admit for purposes of providing, participate in providing, pay, contract for, or  
12           otherwise arrange for the payment of, in whole or in part any health care service or  
13           any form of such service.

14           C. A suit alleging a violation of this Section shall be brought in a district  
15           court in accordance with R.S. 23:303.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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LeBas

HB No. 517

**Abstract:** Provides protection for individuals and entities that elect not to provide certain health care services.

Proposed law allows a person, employer, or public or private entity to elect not to provide certain health care services that violate its conscience. Further protects persons from punitive measures such as liability, discrimination, adverse employment action, prejudice, or general damage for refusing to provide certain health care services.

Proposed law provides that proposed law shall not prevent any employer or patient from inquiring whether a person, employer, or entity declines to participate in certain health care services.

Proposed law provides that when a patient requests certain health care services, a person, employer, or entity shall identify in writing, its declination to provide those services in accordance with proposed law.

Proposed law provides that the provisions of proposed law shall not be construed to relieve any health care provider from providing emergency care as required by law.

Proposed law defines "conscience" as a sincerely held religious belief or moral conviction.

Proposed law defines "health care service" to include, but not be limited to, abortion, dispensation of drugs affecting the reproductive process, artificial insemination, sterilization, artificial reproductive technologies, human embryonic stem cell research, human embryo cloning, fetal experimentation, euthanasia, or physician-assisted suicide.

Proposed law requires that a suit brought for a violation of proposed law be in accordance with R.S. 23:303.

Proposed law provides for definitions.

(Adds R.S. 40:1299.35.9)

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Provides for an employer or patient to inquire whether a person, employer, or entity declines to participate in certain health care services due to an objection of conscience.
2. Adds a procedure for the notification of a declination of services.
3. Changes the definition of "conscience" to a sincerely held religious belief or moral conviction.
4. Changes the definition of "health care service" to an illustrative, but not exclusive list of certain procedures.
5. Requires suits for a violation of proposed law to be brought in accordance with R.S. 23:303.