

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. 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 because of a refusal to participate in any health care service  
14 that violates its conscience.

15 B. For purposes of this Section:

16 (1) "Conscience" means religious, moral, or ethical principles.

17 (2) "Health care service" means any phase of patient medical care, treatment,  
18 or procedure including but not limited to the following: patient referral, counseling,  
19 therapy, testing, diagnosis or prognosis, research, instruction, prescribing, dispensing

1        or administering any device, drug, or medication, surgery, or any other care,  
2        treatment, or procedure.

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

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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 any health care service that violates 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 for definitions.

(Adds R.S. 40:1299.35.9)