

Regular Session, 2009

HOUSE BILL NO. 517

BY REPRESENTATIVES LEBAS, BURFORD, HENRY BURNS, TIM BURNS, GREENE, HAZEL, HOFFMANN, LABRUZZO, LIGI, LOPINTO, SCHRODER, SIMON, JANE SMITH, AND WHITE

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 has the right not to participate in, and  
9 no person, employer, or entity shall be required to participate in any health care  
10 service that violates his conscience. No person, employer, or entity shall be held  
11 civilly or criminally liable, discriminated against, dismissed, demoted, or in any way  
12 prejudiced or damaged for declining to participate in any health care service that  
13 violates its conscience.

14 (2) This Section shall not prevent an inquiry by an employer or patient  
15 regarding whether a person, employer, or entity declines to participate in any health  
16 care service that violates its conscience. When a patient requests health care  
17 services, a person, employer, or entity shall identify, in writing, as soon as  
18 practicable, its declination to provide a service in accordance with the provisions of  
19 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" is limited to abortion, dispensation of abortifacient  
 6           drugs, human embryonic stem cell research, human embryo cloning, euthanasia, or  
 7           physician-assisted suicide.

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

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

14           D. The provisions of this Section shall only apply to public employers and  
 15           public entities.

#### 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)]

LeBas

HB No. 517

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

Proposed law allows a person, or public employer, or public 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, public employer, or public entity declines to participate in certain health care services.

Proposed law provides that when a patient requests certain health care services, a person, public employer, or public 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 be limited to abortion, dispensation of abortifacient drugs, human embryonic stem cell research, human embryo cloning, 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.

(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.

#### House Floor Amendments to the engrossed bill.

1. Restricts the application of proposed law to public employers and public entities.
2. Limits the definition of "health care service" to abortion, dispensation of abortifacient drugs, human embryonic stem cell research, human embryo cloning, euthanasia, or physician-assisted suicide.