

Regular Session, 2010

HOUSE BILL NO. 1474

BY REPRESENTATIVE TALBOT (Substitute for House Bill No. 1191 by Representative Talbot)

INSURANCE/HEALTH-ACCID: Provides relative to the sale and purchase of health insurance coverage

1 AN ACT

2 To enact R.S. 22:1016, relative to the sale and purchase of health insurance coverage; to  
3 provide for public policy; to prohibit any resident of this state from being required  
4 to purchase health insurance coverage; to authorize the attorney general to initiate  
5 litigation relative to such prohibition; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:1016 is hereby enacted to read as follows:

8 §1016. Choice in obtaining health insurance coverage

9 A. It is hereby declared that the public policy of this state, consistent with  
10 our constitutionally recognized and inalienable rights of liberty, is that every person  
11 within this state is and shall be free from governmental intrusion in choosing or  
12 declining to choose any mode of securing health insurance coverage without penalty  
13 or threat of penalty.

14 B. No resident of this state, regardless of whether he has or is eligible for  
15 health insurance coverage under any policy or program provided by or through his  
16 employer, or a plan sponsored by the state or the federal government, shall be  
17 required to obtain or maintain a policy of individual health insurance coverage. No  
18 resident of this state shall be liable for any penalty or fine for not obtaining or  
19 maintaining health insurance coverage.

1           C. The attorney general of this state may and shall have standing to pursue  
2           litigation in any federal or state court or any administrative forum on behalf of one  
3           or more state residents whose constitutional rights may be subject to infringement  
4           by an Act of Congress or the implementation of a federal legislative program that  
5           relates to or has any impact upon the rights or interests of such residents as provided  
6           in this Section.

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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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Talbot

HB No. 1474

**Abstract:** Prohibits any resident of this state from being required to obtain or maintain health insurance coverage and from being penalized for failure to do so. Also authorizes the attorney general to initiate litigation relative to such prohibition.

Proposed law states the policy of the state that its residents have freedom of choice in selecting their health care coverage without governmental intrusion and without penalty.

Proposed law provides that no state resident shall be required to obtain or maintain a policy of individual health insurance coverage regardless of what program or plan which he is offered. Further provides that no such resident shall be liable for any penalty or fine for not obtaining or maintaining health insurance coverage.

Proposed law provides that the state's attorney general may and shall have standing to pursue litigation in any federal or state court or any administrative forum on behalf of any state resident whose constitutional rights may be subject to infringement by an Act of Congress or the implementation of a federal legislative program that relates to or has any impact upon the rights or interests of state residents as provided in proposed law.

(Adds R.S. 22:1016)