

2021 Regular Session

HOUSE BILL NO. 579

BY REPRESENTATIVE AMEDEE

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

HEALTH CARE: Provides for rights of individuals to bodily autonomy and to make healthcare decisions

1 AN ACT

2 To enact Subpart E of Part IV of Subchapter A of Chapter 5-E of the Louisiana Revised
3 Statutes of 1950, to be comprised of R.S. 40:1177.1 through 1177.3, relative to rights
4 of persons with respect to bodily autonomy and to healthcare decisions; to provide
5 for the right to accept or refuse any health service including any vaccine and any
6 medical testing, intervention, or treatment; to prohibit coercion and interference with
7 respect to such rights by the state and its political subdivisions; to authorize certain
8 enforcement actions to protect such rights; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Subpart E of Part IV of Subchapter A of Chapter 5-E of the Louisiana
11 Revised statutes of 1950, comprised of R.S. 40:1177.1 through 1177.3, is hereby enacted to
12 read as follows:

13 SUBPART E. RIGHTS TO BODILY AUTONOMY AND
14 TO MAKE HEALTH CARE DECISIONS

15 §1177.1. Legislative intent

16 The intent of the legislature in enacting this Subpart is to recognize the rights
17 of each individual to bodily autonomy, to make his own healthcare decisions, and to
18 be free to accept or refuse any health service or medical testing, medical
19 intervention, medical treatment, or vaccine based on his own religious, philosophical,
20 or personal beliefs.

1 §1177.2. Coercion and interference prohibited

2 A.(1) Notwithstanding any provision of law to the contrary, all agencies,
3 boards, commissions, licensing authorities, institutions, facilities, schools, and
4 instrumentalities of this state and its political subdivisions are hereby prohibited from
5 denying, restricting, infringing upon, or imposing conditions on any of the following
6 rights of individuals:

7 (a) The right of an individual to bodily autonomy.

8 (b) The right of an individual to make his own healthcare decisions.

9 (c) The right of an individual to be free to accept or refuse any health service
10 or medical testing, medical intervention, medical treatment, or vaccine based on his
11 own religious, philosophical, or personal beliefs.

12 (2) The prohibitions provided in Paragraph (1) of this Subsection include not
13 denying, restricting, infringing upon, or imposing conditions on an individual's
14 employment, travel, education, child care, religion, benefits, insurance, or
15 participation in sports, camps, or other recreation, or the individual's right to enter
16 a governmental office or other publicly owned facility or property, based in whole
17 or in part on the individual's exercise of his right to refuse any medical testing,
18 medical intervention, medical treatment, or vaccine based on his own religious,
19 philosophical, or personal beliefs.

20 B. Notwithstanding any provision of law or rule to the contrary, including
21 a statute or rule addressing an outbreak, epidemic, or potential outbreak or epidemic
22 of a contagious, infectious, or communicable disease, and notwithstanding any
23 statute, rule, order, or directive that may be adopted or promulgated in response to
24 an emergency, including a national security emergency, statewide emergency, local
25 emergency, public health emergency, or peacetime emergency, each individual shall
26 retain the right to bodily autonomy, the right to make his own healthcare decisions,
27 and the right to be free to accept or refuse any health service or medical testing,
28 medical intervention, medical treatment, or vaccine based on his own religious,
29 philosophical, or personal beliefs.

1 §1177.3. Enforcement
2 Any individual who suffers damage, loss, or injury as a result of any conduct
3 prohibited by R.S. 40:1177.2 may bring an action in any court of competent
4 jurisdiction against the entity that engaged in the conduct for injunctive relief,
5 compensatory and punitive damages, costs and reasonable attorney fees, and other
6 appropriate relief.

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)]

HB 579 Original

2021 Regular Session

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Abstract: Provides for rights of individuals to bodily autonomy and to make healthcare decisions, prohibits the state and its political subdivisions from interfering with such rights, and authorizes enforcement actions to protect those rights.

Proposed law provides that the legislative intent of proposed law is to recognize the rights of each individual to bodily autonomy, to make his own healthcare decisions, and to be free to accept or refuse any health service or medical testing, medical intervention, medical treatment, or vaccine based on his own religious, philosophical, or personal beliefs.

Proposed law provides that, notwithstanding any provision of present law to the contrary, all agencies, boards, commissions, licensing authorities, institutions, facilities, schools, and instrumentalities of this state and its political subdivisions are prohibited from denying, restricting, infringing upon, or imposing conditions on any of the following rights of individuals:

- (1) The right of an individual to bodily autonomy.
- (2) The right of an individual to make his own healthcare decisions.
- (3) The right of an individual to be free to accept or refuse any health service or medical testing, medical intervention, medical treatment, or vaccine based on his own religious, philosophical, or personal beliefs.

Proposed law provides that its prohibitions on infringement of individuals' rights include not denying, restricting, infringing upon, or imposing conditions on any of the following based in whole or in part on the individual's exercise of his right to refuse any medical testing, medical intervention, medical treatment, or vaccine based on his own religious, philosophical, or personal beliefs:

- (1) Employment.
- (2) Travel.
- (3) Education.
- (4) Child care.

- (5) Religion.
- (6) Benefits.
- (7) Insurance.
- (8) Participation in any of the following:
 - (a) Sports.
 - (b) Camps.
 - (c) Other recreation.
- (9) The individual's right to enter a governmental office or other publicly owned facility or property.

Proposed law provides that, notwithstanding any provision of present law to the contrary, including laws and rules addressing an outbreak, epidemic, or potential outbreak or epidemic of a contagious, infectious, or communicable disease, and notwithstanding any law or rule that may be enacted or promulgated in response to an emergency, including a national security emergency, statewide emergency, local emergency, public health emergency, or peacetime emergency, each individual shall retain the following rights:

- (1) The right to bodily autonomy.
- (2) The right to make his own healthcare decisions.
- (3) The right to be free to accept or refuse any health service or medical testing, medical intervention, medical treatment, or vaccine based on his own religious, philosophical, or personal beliefs.

Proposed law authorizes any individual who suffers damage, loss, or injury as a result of any conduct prohibited by proposed law to bring legal action against the entity that engaged in the conduct for injunctive relief, compensatory and punitive damages, costs and reasonable attorney fees, and other appropriate relief.

(Adds R.S. 40:1177.1-1177.3)