



1           (B) Subject to reasonable and necessary rules that do not substantially limit  
2           a person's options, the purchase or sale of health insurance in private health care  
3           systems shall not be prohibited by law or rule.

4           (C) This Section shall not:

5           (1) Affect which health care services a health care provider or hospital is  
6           required to perform or provide.

7           (2) Affect which health care services are permitted by law.

8           (3) Prohibit care provided pursuant to general law relating to workers'  
9           compensation.

10          (4) Affect laws or rules in effect as of January 1, 2010.

11          (5) Affect the terms or conditions of any health care system to the extent that  
12          those terms and conditions do not have the effect of punishing a person or employer  
13          for paying directly for lawful health care services or a health care provider or  
14          hospital for accepting direct payment from a person or employer for lawful health  
15          care services.

16          (D) For purposes of this Section:

17          (1) "Compel" includes the imposition of penalties or fines.

18          (2) "Direct payment" or "pay directly" means payment for lawful health care  
19          services without a public or private third party, not including an employer, paying  
20          for any portion of the service.

21          (3) "Health care system" means any public or private entity whose function  
22          or purpose is the management of, processing of, enrollment of individuals for, or  
23          payment, in full or in part, for health care services, health care data, or health care  
24          information for its participants.

25          (4) "Lawful health care services" means any health-related service or  
26          treatment, to the extent that the service or treatment is permitted or not prohibited by  
27          law or regulation, that may be provided by persons or businesses otherwise permitted  
28          to offer such services.

1           (5) "Penalties or fines" means any civil or criminal penalty or fine, tax,  
 2           salary, or wage withholding or surcharge or any named fee with a similar effect  
 3           established by law or rule by an agency established, created, or controlled by the  
 4           government which is used to punish or discharge the exercise of rights protected  
 5           under this Section.

6           Section 2. Be it further resolved that this proposed amendment shall be submitted  
 7 to the electors of the state of Louisiana at the statewide election to be held on November 2,  
 8 2010.

9           Section 3. Be it further resolved that on the official ballot to be used at said election  
 10 there shall be printed a proposition, upon which the electors of the state shall be permitted  
 11 to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall  
 12 read as follows:

13           To prohibit laws or rules from compelling any person, employer, or health  
 14 care provider to participate in any health care system; to permit a person or  
 15 employer to purchase lawful health care services directly from a health care  
 16 provider; to permit a health care provider to accept direct payment from a  
 17 person or employer for lawful health care services; to exempt persons,  
 18 employers, and health care providers from penalties and fines for paying or  
 19 accepting direct payment for lawful health care services; to permit the  
 20 purchase or sale of health insurance in private health care systems. (Adds  
 21 Article XII, Section 8.2).

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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. 94

**Abstract:** Provides the freedom of all residents of the state to provide for their own health care.

Proposed constitutional amendment provides the following:

- (1) That no law or rule shall compel any person, employer, or health care provider to participate in any health care system.

- (2) A person or employer may pay directly for lawful health services without penalty or fine for paying directly for such services. A health care provider may accept direct payment for such services without penalty or fine for accepting the payment.

Proposed constitutional amendment provides that the purchase or sale of health insurance in private health care systems shall not be prohibited by law or rule.

Proposed constitutional amendment provides that the proposed constitutional amendment shall not:

- (1) Affect which health care services a health care provider or hospital is required to perform or provide.
- (2) Affect which health care services are permitted by law.
- (3) Prohibit care provided pursuant to general law relating to workers' compensation.
- (4) Affect laws or rules in effect as of Jan. 1, 2010.
- (5) Affect terms or conditions of any health care system to the extent that those terms and conditions do not have the effect of punishing a person or employer for paying directly for lawful health care services or a health care provider or hospital for accepting direct payment from a person or employer for lawful health care services.

Proposed constitutional amendment provides definitions for certain terms including "compel", "direct payment", and "lawful health care services".

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 2, 2010.

(Adds Const. Art. XII, §8.2)