HLS 10RS-99 ORIGINAL

Regular Session, 2010

HOUSE BILL NO. 94

1

BY REPRESENTATIVE TALBOT

INSURANCE/HEALTH: (Constitutional Amendment) Provides relative to health care services

A JOINT RESOLUTION

2 Proposing to add Article XII, Section 8.2 of the Constitution of Louisiana, relative to health 3 care services; to prohibit laws or rules from compelling any person, employer, or 4 health care provider to participate in any health care system; to allow the direct 5 payment of health care services; to provide definitions; to provide for submission of 6 the proposed amendment to the electors; and to provide for related matters. 7 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members 8 elected to each house concurring, that there shall be submitted to the electors of the state of 9 Louisiana, for their approval or rejection in the manner provided by law, a proposal to add 10 Article XII, Section 8.2 of the Constitution of Louisiana, to read as follows: 11 §8.2. Health care services 12 Section 8.2. (A) To preserve the freedom of all residents of the state to 13 provide for their own health care: 14 (1) A law or rule shall not compel, directly or indirectly, any person, 15 employer, or health care provider to participate in any health care system. 16 (2) A person or employer may pay directly for lawful health care services 17 and shall not be required to pay penalties or fines for paying directly for lawful 18 health care services. A health care provider may accept direct payment for lawful 19 health care services and shall not be required to pay penalties or fines for accepting direct payment from a person or employer for lawful health care services. 20

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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.
1	(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	<u>care services.</u>
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 convice on treatment is normalited or not prohibited by
20	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

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).

## **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)]

Talbot HB No. 94

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

<u>Proposed constitutional amendment</u> 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.

## Page 3 of 4

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

(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.

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

<u>Proposed constitutional amendment</u> provides that the <u>proposed constitutional amendment</u> 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.

<u>Proposed constitutional amendment</u> 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)