



1 health care services. A health care provider may accept direct payment for lawful  
2 health care services and shall not be required to pay penalties or fines for accepting  
3 direct payment from a person or employer for lawful health care services.

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

7 (C) This Section shall not:

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

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

11 (3) Prohibit care provided pursuant to general law relating to workers'  
12 compensation.

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

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

19 (6) Affect the authority of the state legislature, the executive branch of the  
20 state government, including all agencies, departments, and heads thereof, elected  
21 officials, and local governing bodies from exercising their powers, duties, and  
22 authority as granted by this constitution or the laws enacted and regulations adopted  
23 pursuant thereto.

24 (D) For purposes of this Section:

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

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

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

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

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

14           Section 2. Be it further resolved that this proposed amendment shall be submitted  
15 to the electors of the state of Louisiana at the statewide election to be held on October 2,  
16 2010.

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

21           To prohibit federal laws or rules from compelling any person, employer, or  
22 health care provider to participate in any health care system; to permit a  
23 person or employer to purchase lawful health care services directly from a  
24 health care provider; to permit a health care provider to accept direct  
25 payment from a person or employer for lawful health care services; to  
26 exempt persons, employers, and health care providers from penalties and  
27 fines for paying or accepting direct payment for lawful health care services;  
28 to permit the purchase or sale of health insurance in private health care  
29 systems. (Adds 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.

Proposed constitutional amendment provides the following:

- (1) That no federal 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 federal law or rule.

Proposed constitutional amendment provides that 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.
- (6) Affect the authority of the state legislature, the executive branch of the state government, including all agencies, departments, and heads thereof, elected officials, and local governing bodies from exercising their powers, duties, and authority as granted by this constitution or the laws enacted and regulations adopted pursuant thereto.

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 Oct. 2, 2010.

(Adds Const. Art. XII, §8.2)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Insurance to the original bill.

1. Provided that the provisions stating that no law or rule shall compel any person to participate in any health care system and stating that the purchase or sale of health insurance in private health care systems shall not be prohibited by law or rule applies to federal law only.
2. Added provision relative to proposed constitutional amendment not affecting the authority of state or local government as granted by the constitution, laws, and regulations of this state.
3. Changed the date for submission of proposed constitutional amendment to the voters from Nov. 2, 2010, to Oct. 2, 2010.