

2024 Regular Session

HOUSE BILL NO. 866

BY REPRESENTATIVE AMEDEE

LIABILITY/CIVIL: Provides relative to the refusal of certain medical services

1 AN ACT

2 To enact R.S. 40:1159.7.1, relative to the refusal of medical services; to provide for  
3 definitions; to provide for discrimination based on refusal of medical services; to  
4 provide for damages; to provide for attorney fees; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:1159.7.1 is hereby enacted to read as follows:

7 §1159.7.1. Conscientious right to refuse medical services

8 A. For purposes of this Section:

9 (1) "Political subdivision" shall have the same meaning as provided in  
10 Article VI, Section 44(2) of the Constitution of Louisiana.

11 (2) "Public official" means any officer, employee, or duly authorized agent  
12 or representative of a state agency or political subdivision.

13 (3) "State agency" means any organized agency, board, body, commission,  
14 office, or other entity established for the exercise of state government.

15 B. No business, employer, person, political subdivision, public official,  
16 healthcare provider, or any other entity shall do any of the following based on a  
17 person's refusal to receive any biologic, vaccine, drug, pharmaceutical, medical  
18 device, gene therapy, DNA-based product, or RNA-based product which has been  
19 Authorized for Emergency Use or is a declared a countermeasure through the Public

1        Readiness and Emergency Preparedness Act for reasons of conscience, including but  
2        not limited to religious convictions:

3                (1) Deny or terminate employment.

4                (2) Deny a service, including a public service, to the individual.

5                (3) Deny access to commerce.

6                (4) Segregate the person.

7                (5) Penalize the person or use financial coercion.

8                (6) Discriminate against a person, including any imposition, requirement, or  
9        burden.

10               C.(1) If a violation of this Section has occurred, an action for damages or a  
11        petition for injunctive relief or declaratory judgment may be filed.

12               (2) In a petition for injunctive relief or declaratory judgment, the court may  
13        award court costs and reasonable attorney fees.

14               (3) In an action for damages, the court may award court costs, reasonable  
15        attorney fees, and treble damages or two hundred dollars, whichever is greater.

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 866 Original

2024 Regular Session

Amedee

**Abstract:** Provides for equal treatment of individuals who refuse medical services.

Proposed law defines "political subdivision", "public official", and "state agency".

Proposed law provides that no business, employer, person, political subdivision, public official, state agency, healthcare provider, or any other entity shall do any of the following based on a person's refusal to receive certain medical services:

- (1) Deny or terminate employment.
- (2) Deny a service, including a public service, to the individual.
- (3) Deny access to commerce.
- (4) Segregate the person.
- (5) Penalize the person or use financial coercion.
- (6) Discriminate against a person, including any imposition, requirement, or burden.

Proposed law provides that if a violation of proposed law occurs, an action for damages or a petition for injunctive relief or declaratory judgment may be filed.

Proposed law provides that in a petition for injunctive relief or declaratory judgment the court may award court costs and reasonable attorney fees.

Proposed law provides that in an action for damages, the court may award court costs, reasonable attorney fees, and treble damages or \$200, whichever is greater.

(Adds R.S. 40:1159.7.1)