

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; to provide for an exception; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

8 §1159.7.1. Conscientious right to refuse medical services

9 A. For purposes of this Section:

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

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

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

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

10 C.(1) A violation of this Section shall result in a fine not to exceed one
11 thousand dollars and a petition for injunctive relief or declaratory judgment may be
12 filed.

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

15 D. The provisions of this Section shall not apply to hospitals, as defined by
16 R.S. 40:2102, or nursing facilities, as defined by R.S. 40:2009.2, if the Centers for
17 Medicare and Medicaid Services mandate or require as a condition of participation
18 that patient care employees receive any biologic, vaccine, drug, pharmaceutical,
19 medical device, gene therapy, DNA-based product or RNA-based product which has
20 been Authorized for Emergency Use.

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 Engrossed

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, there shall be a fine not to exceed \$1,000 and 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 does not apply to hospitals or nursing facilities if the Centers for Medicare and Medicaid Services mandate or require that patient care employees receive any biologic, vaccine, drug, pharmaceutical, medical device, gene therapy, DNA-based product, or RNA-based product which has been Authorized for Emergency Use.

(Adds R.S. 40:1159.7.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Make technical changes.
2. Add an exception for hospitals and nursing facilities if the Centers for Medicare and Medicaid Services mandate that patient care employees receive any biologic, vaccine, drug, pharmaceutical, medical device, gene therapy, DNA-based product or RNA-based product which has been Authorized for Emergency Use.
3. Remove treble damages and provide that if a violation of proposed law occurs, there shall be a fine not to exceed \$1,000 and a petition for injunctive relief or declaratory judgment may be filed.