

2026 Regular Session

HOUSE BILL NO. 1121

BY REPRESENTATIVE VENTRELLA

HEALTH CARE/PROVIDERS: Authorizes certain healthcare entities to refuse to provide healthcare services under certain circumstances

1 AN ACT

2 To enact R.S. 40:1300.81, relative to the provision of health care; to authorize healthcare
3 institutions, healthcare payors, and licensed healthcare professionals to refuse to
4 provide healthcare services in certain circumstances; to provide for moral objection
5 to certain healthcare services; to prohibit adverse actions; to provide for liability; to
6 provide for definitions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1300.81 is hereby enacted to read as follows:

9 §1300.81. Exercise of conscience for healthcare institutions, healthcare payors, and
10 licensed healthcare professionals

11 A. As used in this Section, the following terms have the following meanings:

12 (1) "Adverse action" includes but is not limited to all of the following:

13 (a) Termination, suspension, demotion, or reduction in compensation.

14 (b) Revocation, suspension, or restriction of professional licensure.

15 (c) Placement on unpaid leave.

16 (d) Material alteration of employment terms.

17 (e) Retaliatory investigation or disciplinary proceedings.

18 (2) "Conscience" means the ethical, moral, or religious beliefs or principles

19 held by a licensed healthcare professional, healthcare institution, or healthcare payor.

20 With respect to persons who are institutions, corporations, or other legal entities,

1 "conscience" is determined by reference to that entity's governing documents
2 including but not limited to published ethical, moral, or religious guidelines or
3 directives, mission statements, constitutions, articles of incorporation, bylaws,
4 policies, or regulations.

5 (3) "Discrimination" means an adverse action, including but not limited to
6 any penalty, disciplinary, or retaliatory action taken against, or a threat of adverse
7 action communicated to, a licensed healthcare professional, healthcare institution,
8 or healthcare payor as a result of the refusal of the licensed healthcare professional,
9 healthcare institution, or healthcare payor to participate in a healthcare service on the
10 basis of conscience. "Discrimination" does not include the negotiation or purchase
11 of insurance or a healthcare service by a nongovernmental entity or individual, the
12 refusal to use or purchase insurance or a healthcare service by a nongovernmental
13 entity or individual, or a healthcare institution's good faith effort to accommodate
14 a licensed healthcare professional's, healthcare institution's, or healthcare payor's
15 exercise of conscience.

16 (4) "Healthcare institution" means an organization, corporation, partnership,
17 association, agency, network, sole proprietorship, joint venture, or other entity that
18 provides a healthcare service.

19 (5) "Healthcare payor" means an employer; a health plan; a management
20 services organization; any entity, including a healthcare service corporation, health
21 maintenance organization, or similar corporation or organization, or an employer
22 offering self-insurance, that provides a health benefit plan; or any other entity that
23 pays for or arranges for payment for, in whole or in part, a healthcare service.

24 (6) "Healthcare service" means medical research and medical care provided
25 to a patient or client at any time during the patient's or client's course of treatment
26 including but not limited to testing; diagnosis; record making; referral; prescribing,
27 dispensing, or administering any drug, medication, or device; therapy or counseling;
28 and preparation or arrangement for a surgical procedure.

1 (7) "Licensed healthcare professional" means a person who facilitates or
2 participates or who is asked to facilitate or participate in a healthcare service,
3 including but not limited to a health-related professional licensed by a board, and any
4 other person licensed, certified, or otherwise authorized or permitted by the laws of
5 this state to administer a healthcare service in the ordinary course of business or in
6 the practice of a profession. "Licensed healthcare professional" includes any student
7 enrolled in an educational institution who is a prospective licensed healthcare
8 professional.

9 (8) "Participate in a healthcare service" means to provide, perform, assist
10 with, facilitate, refer for, provide counseling for, advise with regard to, admit for the
11 purposes of providing, or take part in a healthcare service in any way.

12 B.(1)(a) A licensed healthcare professional, healthcare institution, or
13 healthcare payor has the right not to participate in or pay for a healthcare service that
14 violates the licensed healthcare professional's, healthcare institution's, or healthcare
15 payor's conscience. This Paragraph shall not be construed to waive or modify a duty
16 a licensed healthcare professional, healthcare institution, or healthcare payor may
17 have to participate in or pay for a healthcare service that does not violate the licensed
18 healthcare professional's conscience.

19 (b) A licensed healthcare professional, healthcare institution, or healthcare
20 payor who refuses to participate in a healthcare service in accordance with this
21 Section shall not be discriminated against for the licensed healthcare professional's,
22 healthcare institution's, or healthcare payor's exercise of conscience.

23 (2) A healthcare payor shall not decline to pay for a healthcare service due
24 to a licensed healthcare professional's, healthcare institution's, or healthcare payor's
25 refusal to participate in a healthcare service in accordance with this Section if the
26 healthcare payor is contractually obligated to pay for the healthcare service.

27 (3) This Section shall not be construed to relieve a healthcare institution of
28 the requirement to provide emergency medical services to individuals as required in
29 accordance with 42 U.S.C. 1395dd.

1 (4) Notwithstanding any other provision of this Section to the contrary, a
2 licensed healthcare professional, healthcare institution, or healthcare payor that holds
3 itself out to the public as religion-based, states in the entity's governing documents
4 that the entity has a religious purpose or mission, and that has internal operating
5 policies or procedures that implement the entity's religious beliefs has the right to
6 make employment, staffing, contracting, and admitting privilege decisions consistent
7 with the entity's religious beliefs.

8 C.(1) A licensed healthcare professional, healthcare institution, or healthcare
9 payor shall not be civilly, criminally, or administratively liable for the licensed
10 healthcare professional's, healthcare institution's, or healthcare payor's exercise of
11 conscience.

12 (2) A healthcare institution shall not be civilly, criminally, or
13 administratively liable for the exercise of conscience by a licensed healthcare
14 professional employed, contracted, or granted admitting privileges by the healthcare
15 institution.

16 D.(1) No employer of a licensed healthcare professional shall take adverse
17 action against the healthcare professional solely for providing a healthcare treatment,
18 procedure, or product with the informed consent of the patient and within the scope
19 of the professional's lawful practice.

20 (2) The provisions of this Subsection apply regardless of whether the
21 treatment, procedure, or product is approved by a governmental or medical authority
22 provided the healthcare professional acts in accordance with applicable standards of
23 care, state, and federal law.

24 E.(1) No employer, healthcare professional licensing board, healthcare
25 payor, or state governmental entity shall take adverse action against a licensed
26 healthcare professional for expressing, in a private or public capacity, a professional
27 opinion related to healthcare if the opinion is made in good faith and within the
28 scope of the professional's competence.

1 (2) Nothing in this Section shall be construed to prohibit a licensing board
2 from regulating fraudulent, knowingly false, or grossly negligent statements in
3 accordance with state and federal law.

4 F.(1) A healthcare licensing board or regulatory agency shall not impose
5 disciplinary action against a licensed healthcare professional solely for expressing
6 a professional opinion or furnishing supporting medical literature if such conduct
7 does not constitute fraud or gross negligence.

8 (2) Prior to imposing disciplinary action based upon a professional statement
9 or treatment decision, the licensing board shall provide notice and an opportunity for
10 the healthcare professional to respond in accordance with administrative procedures
11 and due process requirements.

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 1121 Original

2026 Regular Session

Ventrella

Abstract: Authorizes healthcare institutions, healthcare payors, and health professionals to object to providing healthcare services in circumstances where the entity or professional opposes for ethical, moral, or religious reasons.

Proposed law provides for definitions.

Proposed law grants licensed healthcare professionals, healthcare institutions, and healthcare payors the right to decline participation in or payment for a healthcare service that violates his conscience.

Proposed law prohibits discrimination against a healthcare professional, healthcare institution, or healthcare payor for exercising conscience rights under the proposed law.

Proposed law provides that a healthcare payor shall not refuse payment for a healthcare service when contractually obligated to pay for the service due to another party's refusal to participate based on conscience.

Proposed law clarifies that healthcare institutions remain subject to federal requirements to provide emergency medical services.

Proposed law allows religion-based healthcare entities to make employment, staffing, contracting, and admitting privilege decisions consistent with their religious beliefs.

Proposed law provides that healthcare professionals, healthcare institutions, and healthcare payors are not subject to civil, criminal, or administrative liability for exercising conscience rights.

Proposed law provides that healthcare institutions are not liable for a healthcare professional's exercise of conscience.

Proposed law prohibits employers from taking adverse action against a healthcare professional solely for providing lawful healthcare treatment with a patient's informed consent and within the professional's scope of practice.

Proposed law applies these protections when the healthcare professional acts in accordance with applicable standards of care, state, and federal law.

Proposed law prohibits employers, licensing boards, healthcare payors, and state agencies from taking adverse action against a healthcare professional for expressing a good-faith professional opinion related to healthcare within the professional's competence.

Proposed law allows licensing boards to continue to regulate fraudulent, knowingly false, or grossly negligent statements.

Proposed law prohibits licensing boards or regulatory agencies from disciplining a healthcare professional solely for expressing a professional opinion or providing supporting medical literature unless the conduct constitutes fraud or gross negligence.

Proposed law requires licensing boards to provide notice and an opportunity to respond before imposing disciplinary action related to a professional statement or treatment decision.

(Adds R.S. 40:1300.81)