
DIGEST

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Hollis

HB No. 877

Abstract: Prohibits enforcement by the state of the Patient Protection and Affordable Care Act of 2010.

Proposed law may be cited as the "Louisiana Freedom of Health Care Protection Act".

Proposed law provides that authority for the provisions of proposed law is the following:

- (1) The 10th Amendment to the U. S. Constitution provides that the federal government of the U.S. is authorized to exercise only those powers delegated to it in the constitution.
- (2) Article VI, Clause 2 of the constitution provides that laws of the U.S. are the supreme law of the land provided that they are made in pursuance of the powers delegated to the federal government in the constitution.
- (3) The provisions of the Patient Protection and Affordable Care Act of 2010 (PPACA) which exceed the limited powers granted to the congress pursuant to the constitution cannot and should not be considered the supreme law of the land.
- (4) The Legislature of La. has the absolute and sovereign authority to interpose and refuse to enforce the provisions of PPACA that exceed the authority of the congress.
- (5) The 14th Amendment provides that the people are to be free from deprivation of life, liberty, or property, without due process of law.

Proposed law prohibits an agency, officer, or employee of this state, acting on behalf of the state, from engaging in an activity that aids any agency in the enforcement of those provisions of PPACA and any subsequent federal act that amends PPACA that exceed the authority of the United States Constitution.

Proposed law authorizes the Legislature of La. to take all necessary actions to ensure that the provisions of proposed law are adhered to by all agencies, departments, and political subdivisions of the state.

Proposed law authorizes the attorney general, whenever the attorney general has reasonable cause to believe that a person or business in this state is being harmed by implementation of PPACA and that proceedings would be in the public interest, to bring an action in the name of the state

against the person or entity causing the harm to restrain by temporary restraining order, temporary injunction, or permanent injunction the use of the method, act, or practice.

Proposed law requires the attorney general, unless the attorney general determines in writing that the purposes of proposed law will be substantially impaired by delay in instituting legal proceedings, to give notice, at least three days before instituting a legal proceeding, to the person or entity against whom the proceeding is contemplated and give the person or entity an opportunity to present reasons to the attorney general why a proceeding should not be instituted.

Proposed law authorizes an action brought by the attorney general to be brought in a court of competent jurisdiction.

Proposed law requires the court, whenever the court issues a permanent injunction which has become final, to award reasonable costs to the state.

Proposed law defines "health care exchange" as an American Health Benefit Exchange established by any state or political subdivision of a state, as provided for in PPACA.

Proposed law prohibits the state of La. or a political subdivision including but not limited to parishes, municipalities, or special districts of the state from establishing a health care exchange for the purchase of health insurance.

Proposed law prohibits the state of La. or a political subdivision including but not limited to parishes, municipalities, or special districts of the state from participating in or purchasing insurance from a health care exchange established by a nonprofit organization.

Proposed law provides that a health insurance contract purchased or established in violation of proposed law is void and shall not be enforced by the courts of this state.

Proposed law prohibits an agency, department, or other state entity including but not limited to the Dept. of Children and Family Services and the Dept. of Health and Hospitals from authorizing an employee, contractor, vendor, or any other person acting on behalf of the department to conduct or participate in an involuntary maternal, infant, and early childhood in-home visitation pursuant to §2951 of PPACA and any subsequent federal act that amends that section or that may refer to an entity or a process established pursuant to PPACA.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 40:1300.381-1300.386)