

2022 Regular Session

HOUSE BILL NO. 53

BY REPRESENTATIVE FRIEMAN

HEALTH: (Constitutional Amendment) Provides with respect to autonomy in making personal health care decisions

1 A JOINT RESOLUTION

2 Proposing to add Article I, Section 28 of the Constitution of Louisiana, relative to autonomy
3 in healthcare decisionmaking; to provide that Louisiana citizens have the right to
4 accept or reject any form of health care; to provide for exceptions; to provide for
5 submission of the proposed amendment to the electors; and to provide for related
6 matters.

7 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
8 elected to each house concurring, that there shall be submitted to the electors of the state of
9 Louisiana, for their approval or rejection in the manner provided by law, a proposal to add
10 Article I, Section 28 of the Constitution of Louisiana, to read as follows:

11 §28. Right to Autonomy of Health Care

12 Section 28.(A) Notwithstanding any provision of this Constitution to the
13 contrary, except as provided in Article I, Section 20.1 of this Constitution, each
14 citizen of the state shall have the fundamental right to autonomy with respect to
15 making decisions regarding his health care. This right shall include but not be
16 limited to the right to accept or reject any form of health care including palliative
17 care, medical treatment, surgical procedures, vaccinations, or any form of medicine.
18 Any restriction on this right shall be subject to strict scrutiny. Any person adversely
19 affected by a violation of this right shall have standing to raise its illegality in the
20 appropriate court.

1 (B) The provisions of this Section shall not apply to a requirement imposed
 2 by a healthcare provider enrolled in Medicare or Medicaid who is subject to fines or
 3 penalties for noncompliance with federal rules and regulations, but only to the extent
 4 that such provider is subject to a valid and enforceable Medicare or Medicaid
 5 condition of participation that imposes a requirement contrary to this Section.

6 Section 2. Be it further resolved that this proposed amendment shall be submitted
 7 to the electors of the state of Louisiana at the statewide election to be held on November 8,
 8 2022.

9 Section 3. Be it further resolved that on the official ballot to be used at the election,
 10 there shall be printed a proposition, upon which the electors of the state shall be permitted
 11 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
 12 follows:

13 Do you support an amendment to provide that Louisiana citizens have the
 14 fundamental right to make decisions regarding their health care? (Adds Article I,
 15 Section 28)

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 53 Engrossed

2022 Regular Session

Frieman

Abstract: Adds the right of Louisiana citizens to accept or reject any form of health care to the Constitution of Louisiana.

Proposed constitutional amendment adds the fundamental right to autonomy with respect to healthcare decisions including palliative care, medical treatments, surgical procedures, vaccinations, or any other forms of medicine.

Proposed constitutional amendment provides an exception in the case of present constitution provision that nothing in the constitution shall be construed to secure or protect a right to abortion or require the funding of abortion.

Proposed constitutional amendment provides an exception in the case of requirements imposed by a healthcare provider enrolled in Medicare or Medicaid who is subject to fines or penalties for noncompliance with federal rules or regulations, but only to the extent that the provider is subject to a valid and enforceable Medicare or Medicaid condition of participation that imposes a requirement contrary to proposed constitutional amendment.

Proposed constitutional amendment requires that any adverse treatment or denial of the right shall be subject to strict scrutiny.

Proposed constitutional amendment states that any person adversely affected by a violation of this right shall have standing to raise its illegality in the appropriate court.

Provides for submission of the proposed amendment to the voters at the statewide election to be held on Nov. 8, 2022.

(Adds Const. Art. I, §28)

Summary of Amendments Adopted by House

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

1. Provide an exception for a present constitutional provision regarding abortion.
2. Provide an exception for certain healthcare providers.
3. Change the ballot language.