

## Regular Session, 2010

HOUSE BILL NO. 1474 (Substitute for House Bill No. 1191 by Representative Talbot)

BY REPRESENTATIVES TALBOT, HENRY BURNS, TIM BURNS, CARMODY, CARTER, CONNICK, FOIL, GREENE, GUINN, HAZEL, HENRY, HOFFMANN, HUTTER, KLECKLEY, LABRUZZO, LAMBERT, LIGI, LOPINTO, LORUSSO, MONICA, PEARSON, POPE, PUGH, RICHARDSON, SCHRODER, SIMON, SMILEY, JANE SMITH, TEMPLET, AND WOOTON

INSURANCE/HEALTH-ACCID: Provides relative to the sale and purchase of health insurance coverage

1 AN ACT

2 To enact R.S. 22:1016, relative to the sale and purchase of health insurance coverage; to  
3 provide for public policy; to prohibit any resident of this state from being required  
4 to purchase health insurance coverage; to authorize the attorney general to initiate  
5 litigation relative to such prohibition; to provide for recovery of delinquent medical  
6 expenses incurred by uninsured individuals; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:1016 is hereby enacted to read as follows:

## §1016. Choice in obtaining health insurance coverage

10                   A. It is hereby declared that the public policy of this state, consistent with  
11                   our constitutionally recognized and inalienable right of liberty, is that every person  
12                   within this state is and shall be free from governmental intrusion in choosing or  
13                   declining to choose any mode of securing health insurance coverage without penalty  
14                   or threat of penalty.

15                   B. No resident of this state, regardless of whether he has or is eligible for  
16                   health insurance coverage under any policy or program provided by or through his  
17                   employer, or a plan sponsored by the state or the federal government, shall be  
18                   required to obtain or maintain a policy of individual health insurance coverage. No

1           resident of this state shall be liable for any penalty or fine for not obtaining or  
2           maintaining health insurance coverage.

3           C. The attorney general of this state may, and shall have standing to, pursue  
4           litigation in any federal or state court or any administrative forum on behalf of one  
5           or more state residents whose constitutional rights may be subject to infringement  
6           by an act of congress or the implementation of a federal legislative program that  
7           relates to or has any impact upon the rights or interests of such residents as provided  
8           in this Section.

9           D. After implementation of any provision of law requiring an individual to  
10           obtain or maintain health insurance, the following shall apply:

11           (1) If the individual opts not to obtain or maintain health insurance coverage  
12           pursuant to this Section and incurs but fails to pay any expenses for medical care in  
13           this state and the health care facility or provider is compensated for such care by any  
14           state or federal funds, then the state shall collect such unpaid amounts from that  
15           person through any legal means necessary.

16           (2) The uncompensated care pool of this state shall not incur any liability for  
17           unpaid medical bills of any person who does not obtain or maintain health insurance.

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#### 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)]

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Talbot

HB No. 1474

**Abstract:** Prohibits any resident of this state from being required to obtain or maintain health insurance coverage and from being penalized for failure to do so. Also authorizes the attorney general to initiate litigation relative to such prohibition.

Proposed law states the policy of the state that its residents have freedom of choice in selecting their health care coverage without governmental intrusion and without penalty.

Proposed law provides that no state resident shall be required to obtain or maintain a policy of individual health insurance coverage regardless of what program or plan he is offered. Further provides that no such resident shall be liable for any penalty or fine for not obtaining or maintaining health insurance coverage.

Proposed law provides that the state's attorney general may and shall have standing to pursue litigation in any federal or state court or any administrative forum on behalf of any state resident whose constitutional rights may be subject to infringement by an act of congress or

the implementation of a federal legislative program that relates to or has any impact upon the rights or interests of state residents as provided in proposed law.

Proposed law provides that after implementation of any provision of law requiring an individual to obtain or maintain health insurance, the following shall apply:

- (1) If the individual opts not to obtain or maintain health insurance coverage and incurs but fails to pay any expenses for medical care in this state and the health care facility or provider is compensated for such care by any state or federal funds, then the state shall collect such unpaid amounts from that person through any legal means necessary.
- (2) The uncompensated care pool of this state shall not incur any liability for unpaid medical bills of any person who does not obtain or maintain health insurance.

(Adds R.S. 22:1016)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Required that, after implementation of any provision of law requiring an individual to obtain or maintain health insurance, the following apply:
  - (a) The state shall legally collect any unpaid amounts for a health care facility or provider that is compensated for care by any state or federal funds from any individual who incurs but fails to pay any expenses for medical care in this state because the individual opted to not obtain or maintain health insurance coverage.
  - (b) The uncompensated care pool of this state shall not incur any liability for unpaid medical bills of any person who does not obtain or maintain health insurance.