

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 decision-making; to provide that Louisiana citizens have the right to
4 accept or reject any form of health care; to provide for submission of the proposed
5 amendment to the electors; and to provide for related matters.

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

10 §28. Right to Autonomy of Health Care

11 Section 28. Notwithstanding any provision of law or this Constitution to the
12 contrary, every citizen of the state shall have the fundamental right to autonomy with
13 respect to making decisions regarding their health care. This right shall include but
14 not be limited to the right to accept or reject any form of health care including
15 palliative care, medical treatment, surgical procedure, vaccine, or any form of
16 medicine. Any restriction on this right shall be subject to strict scrutiny. Any person
17 adversely affected by a violation of this right shall have standing to raise its illegality
18 in the appropriate court.

1 Section 2. Be it further resolved that this proposed amendment shall be submitted
2 to the electors of the state of Louisiana at the statewide election to be held on November 8,
3 2022.

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

8 Do you support an amendment to provide that Louisiana citizens have the right to
9 accept or reject any form of health care including palliative care, medical treatment,
10 surgical procedure, vaccine, or any form of medicine? (Effective January 1, 2023)
11 (Adds Article I, 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 Original

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 right to autonomy with respect to healthcare decisions including palliative care, medical treatments, surgical procedures, vaccines, or any other forms of medicine.

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.

Effective Jan. 1, 2023.

(Adds Const. Art. I, §28)