

2025 Regular Session

HOUSE BILL NO. 629

BY REPRESENTATIVE GALLE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH CARE: Provides with respect to informed consent for medical interventions

1 AN ACT

2 To enact Subpart D of Part II of Chapter 5-D of Title 40 of the Louisiana Revised Statutes
3 of 1950, to be comprised of R.S. 40:1162.1 through 1162.6, relative to informed
4 consent for medical interventions; to create the Medical Freedom and Informed
5 Consent Act; to provide definitions; to provide for informed consent for medical
6 procedures and medical interventions; to require documentation and informed
7 consent before administering vaccinations; to prohibit discrimination for refusing
8 medical intervention; to provide for enforcement; to provide for penalties; to provide
9 for reporting; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Subpart D of Part II of Chapter 5-D of Title 40 of the Louisiana Revised
12 Statutes of 1950, comprised of R.S. 40:1162.1 through 1162.6, is hereby enacted to read as
13 follows:

14 SUBPART D. MEDICAL FREEDOM AND INFORMED CONSENT ACT

15 §1162.1. Short title; purpose

16 A. This Act shall be known and may be cited as the "Medical Freedom and
17 Informed Consent Act."

18 B. The purpose of this Act is to affirm the right that individuals have to
19 voluntary, informed consent for all medical interventions and establish protections
20 against coercion, discrimination, and violation of this right.

1 §1162.2. Definitions

2 (1) "Business entity" means any person or group of persons performing or
3 engaging in any activity, enterprise, profession, or occupation for gain, benefit,
4 advantage, or livelihood, whether public or private, or for profit or not-for-profit.

5 "Business entity" includes but is not limited to any of the following:

6 (a) Self-employed individuals, business entities filing articles of
7 incorporation, partnerships, limited partnerships, limited liability companies, foreign
8 corporations, foreign limited partnerships, foreign limited liability companies
9 authorized to transact business in this state, business trusts, and any business entity
10 that registers with the secretary of state.

11 (b) Any business entity that possesses a business license, permit, certificate,
12 approval, registration, charter, or similar form of authorization issued by the state;
13 any business entity exempt by law from obtaining a business license; and any other
14 business entity operating unlawfully without a business license.

15 (2) "Capacity" means an individual's ability to understand, deliberate, and
16 make an informed decision about medical interventions.

17 (3) "Healthcare provider" means any individual, professional, or entity,
18 whether licensed, certified, or otherwise authorized by law to provide medical,
19 health, or wellness services. This includes but is not limited to any of the following:

20 (a) Physicians, osteopathic physicians, nurse providers, physician assistants,
21 and midwives.

22 (b) Hospitals, health systems, clinics, ambulatory surgical centers, school
23 based health centers, and urgent care facilities.

24 (c) Dentists, orthodontists, oral surgeons, and dental hygienists.

25 (d) Pharmacists, pharmacies, and compounding pharmacies.

26 (e) Therapists, counselors, psychologists, and mental health professionals.

27 (f) Chiropractors, physical therapists, occupational therapists, and speech-
28 language pathologists.

29 (g) Optometrists, ophthalmologists, and other eye care professionals.

1 (h) Naturopathic doctors, homeopaths, acupuncturists, and complementary
2 or alternative medicine providers.

3 (i) Any employee, agent, or representative of the above entities who provides
4 or assists in providing healthcare services.

5 (4) "Informed consent" means the voluntary decision to accept or decline a
6 medical intervention, made with full and accurate disclosure of the risks, benefits,
7 and alternatives, and with the individual's comprehension and competence. This
8 decision must be made free from coercion, manipulation, or undue influence, and a
9 person shall not be subject to retaliation, discrimination, or denial of benefits or
10 services for exercising his right to informed consent.

11 (5) "Medical intervention" includes but is not limited to medical treatments,
12 cancer treatments, procedures, surgeries, transfusions, organ transplants,
13 vaccinations, and participation in medical research.

14 (6) "Vaccine Information Statement (VIS)" means the document produced
15 by a healthcare provider that provides essential information regarding vaccines.

16 §1162.3. Informed consent

17 A healthcare provider shall obtain informed consent from the patient or a
18 person authorized to give informed consent in accordance with R.S. 40:1159.4 before
19 administering any medical intervention, except in cases of medical emergency where
20 immediate action is necessary to prevent serious harm or loss of life as defined in
21 R.S. 40:1159.5.

22 §1162.4. Vaccinations; informed consent required

23 A. Before administering a vaccination, a healthcare provider shall provide
24 the patient or parent or legal guardian of the patient with the Vaccine Information
25 Statement (VIS).

26 B. The healthcare provider shall document receipt and acknowledgment of
27 the VIS and informed consent in the patient's medical record.

28 §1162.5. Protection against discrimination

1 A. A person shall not face loss of employment, benefits, services, or other
2 punitive actions for refusing a medical intervention.

3 B. Employers and business entities, whether public or private, are prohibited
4 from requiring medical interventions as a condition of employment, enrollment,
5 admission, or service.

6 C.(1) A healthcare provider shall not require, compel, or coerce a person to
7 receive a vaccination as a condition to be a patient or to receive a medical
8 intervention, treatment or medical procedure, including but not limited to cancer
9 treatment, transfusion, or organ transplant.

10 (2) A healthcare provider, who advises or recommends a healthcare service,
11 shall not be considered to have coerced or compelled an individual into obtaining the
12 service based solely on that advice or recommendation.

13 §1162.6. Enforcement; penalties; reporting

14 A. A healthcare provider who violates the provisions of this Subpart shall be
15 liable for statutory damages of not less than five thousand dollars per violation, in
16 addition to any other remedies available under law.

17 B. The prevailing party in an action brought for any violation of the
18 provisions of this Subpart shall have the right to seek civil remedies, including
19 damages, attorney fees and injunctive relief.

20 C. The attorney general shall establish a reporting system to document and
21 investigate violations.

22 Section 2. This Act shall become effective upon signature by the governor or, if not
23 signed by the governor, upon expiration of the time for bills to become law without signature
24 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
25 vetoed by the governor and subsequently approved by the legislature, this Act shall become
26 effective on the day following such approval.

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 629 Original

2025 Regular Session

Galle

Abstract: Requires a patient's informed consent before administering a medical intervention.

Proposed law provides that proposed law shall be known and may be cited as the "Medical Freedom and Informed Consent Act."

Proposed law provides that the purpose of proposed law is to affirm the right that individuals have to voluntary, informed consent for all medical interventions and establish protections against coercion, discrimination, and violation of this right.

Proposed law defines "business entity", "capacity", "healthcare provider", "informed consent", "medical intervention", and "vaccine information statement".

Proposed law requires a healthcare provider to obtain informed consent from the patient or a person authorized to give informed consent in accordance with present law (R.S. 40:1159.4) before administering any medical intervention, except in cases of medical emergency where immediate action is necessary to prevent serious harm or loss of life as defined in present law (R.S. 40:1159.5).

Proposed law requires a healthcare provider, before administering a vaccination, to provide the patient or parent or legal guardian of the patient with the Vaccine Information Statement (VIS).

Proposed law requires a healthcare provider to document receipt and acknowledgment of the VIS and informed consent in the patient's medical record.

Proposed law provides that a person shall not face loss of employment, benefits, services, or other punitive actions for refusing a medical intervention.

Proposed law prohibits an employers and business entities, whether public or private, from requiring medical interventions as a condition of employment, enrollment, admission, or service.

Proposed law prohibits a healthcare provider from requiring, compelling or coercing a person to receive a vaccination as a condition to be a patient or to receive a medical intervention, treatment or medical procedure, including but not limited to cancer treatment, transfusion or organ transplant.

Proposed law clarifies that a healthcare provider, who advises or recommends a healthcare service, shall not be considered to have coerced or compelled an individual into obtaining the service based solely on that advice or recommendation.

Proposed law provides that a healthcare provider who violates the provisions of proposed law shall be liable for statutory damages of not less than \$5,000 per violation, in addition to any other remedies available under law.

Proposed law provides that the prevailing party in an action brought for any violation of the provisions of proposed law shall have the right to seek civil remedies, including damages, attorney fees and injunctive relief.

Proposed law requires the attorney general to establish a reporting system to document and investigate violations.

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

(Adds R.S. 40:1162.1-1162.6)