
SENATE FLOOR AMENDMENTS

2023 Regular Session

Amendments proposed by Senator Morris to Reengrossed House Bill No. 648 by Representative Firment

1 AMENDMENT NO. 1

2 On page 1, line 3, change "1098.4" to "1098.6"

3 AMENDMENT NO. 2

4 On page 1, line 6, after "procedures;" insert "to provide with respect to consent;"

5 AMENDMENT NO. 3

6 On page 1, line 10, change "1098.4" to "1098.6"

7 AMENDMENT NO. 4

8 On page 1, line 15, change "has" to "shall have"

9 AMENDMENT NO. 5

10 On page 1, delete lines 17 through 20, and insert the following:

11 "(2) "Minor" means any natural person who has not reached the age of
12 majority as provided in Civil Code Article 29 and who has not been emancipated
13 pursuant to Title V of Book VII of the Code of Civil Procedure.

14 (3) "Sex" means the biological indication of male or female as evidenced by
15 a medical examination of all of the following:

16 (a) Sex chromosomes.

17 (b) Naturally occurring sex hormones.

18 (c) Gonads.

19 (d) As well as nonambiguous internal and external genitalia present at birth."

20 AMENDMENT NO. 6

21 On page 2, line 4, after "perception of" delete "his" and insert "the minor's" and after "with"
22 delete "his" and insert "the minor's"

23 AMENDMENT NO. 7

24 On page 2, delete lines 22 and 23, insert the following:

25 "B. The prohibited acts listed in Subsection A of this Section shall not be
26 considered healthcare services.

27 C. The prohibitions listed in Subsection A of this Section shall not limit or
28 restrict the provision of healthcare"

29 AMENDMENT NO. 8

30 On page 2, line 28, change "provider" to "professional"

31 AMENDMENT NO. 9

32 On page 3, line 10, change "C." to "D."

1 AMENDMENT NO. 10

2 On page 3, delete lines 24 through 28, and insert the following:

3 "§1098.4. Minors' lack of consent

4 A. Notwithstanding the provisions of R.S. 40:1079.1 and notwithstanding any
5 other provision of law to the contrary, a minor may not consent to any procedures or
6 services that are prohibited in R.S. 40:1098.2(A).

7 B. The provisions of this Section shall not apply to a minor who is subject to
8 the provisions of R.S. 40:1098.2(D).

9 §1098.5. Civil actions; remedies

10 A. Notwithstanding any other provision of law to the contrary, a person who
11 has been harmed as a result of acts which are prohibited by this Part or who has been
12 subjected to acts which are prohibited by this Part with or without consent, shall have
13 a cause of action for damages in a court of competent jurisdiction.

14 B. The cause of action for damages shall be commenced before the later of
15 either of the following:

16 (1) The lapse of a twelve-year liberative prescription once the minor reaches
17 the age of majority.

18 (2) Within three years from the time the person discovered or reasonably
19 should have discovered that the injury or damages were caused by the violation.

20 C. Venue pursuant to this Section may be brought pursuant to Code of Civil
21 Procedure Article 42 or in the parish of domicile of the petitioner.

22 D.(1) If a court finds that a person is entitled judgment pursuant to this
23 Section, the court shall award damages, attorney fees, and all costs of the proceeding
24 against the defendant for violation of this Part.

25 (2) Damages awarded by the court pursuant to this Section may include but
26 is not to be limited to damages for infertility or sterility that is suffered by the minor
27 as a result of the acts prohibited by this Part.

28 E. Consent shall not operate as defense to a petitioner's claim that is filed
29 pursuant to this Section.

30 §1098.6. Attorney general; injunctive or declaratory relief

31 A. The attorney general may bring a civil action to enforce compliance with
32 this Part in a court of competent jurisdiction.

33 B. The attorney general may seek injunctive or declaratory relief and any
34 other appropriate remedy from in order to protect a minor from those harms resulting
35 from conduct that is prohibited pursuant to this Part.

36 C. Venue pursuant to this Section shall be that same venue which is provided
37 in R.S. 40:1098.5.

38 D. If the court grants relief pursuant to this Section, the court shall award
39 attorney fees and all costs of the proceeding against the defendant for violation of
40 this Part.

41 E. Nothing in this Part shall be construed to deny, impair, or otherwise affect
42 any right or authority of the attorney general, the state, or any agency, officer, or
43 employee of the state to institute or intervene in any proceeding."

44 AMENDMENT NO. 11

45 On page 4, delete lines 1 though 8, and insert the following:

46 "Section 2. If any provision or item of this Act, or the application thereof, is held
47 invalid, such invalidity shall not affect other provisions, items, or applications of the Act
48 which can be given effect without the invalid provision, item, or application and to this end
49 the provisions of this Act are hereby declared severable."

50 AMENDMENT NO. 12

51 In Senate Committee Amendments (#2724) No. 3 proposed by the Senate Committee on
52 Judiciary A and adopted by the Senate on June 2, 2023, on page 1, line 7, change "Section
53 2" to "Section 3".