

---

 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)]

---

SB 496 Reengrossed

2024 Regular Session

Edmonds

Present law (R.S. 46:1425) provides that it shall be prohibited for an adoption facilitator, as is defined in R.S. 46:1425.1, to advertise for adoption services.

Present law provides that if any person advertises in violation of present law, the attorney general, DCFS, the appropriate district attorney, or any licensed child-placing agency or a La. based crisis pregnancy or resource center may file suit in district court according to the general rules of venue to obtain injunctive relief to restrain the person from continuing the violation.

Present law provides that nothing in present law shall apply to any individual licensed to practice law in this state while such individual is engaged in the practice of law or to any individual licensed to provide mental health counseling as provided in present law and preplacement and home studies as provided in present law.

Present law provides that anyone who violates the provisions of present law shall be liable for all costs of any proceeding brought to enjoin such violation, including reasonable attorney fees, which shall be set by the court.

Proposed law retains present law and provides that it shall be unlawful for an adoption facilitator or an entity not licensed in La. to assist in the adoption of children.

Proposed law provides that an individual or entity licensed in La. to participate in the adoption process or assist in the adoption of children shall be considered a mandatory reporter for purposes of proposed law.

Proposed law (R.S. 46:1425.1) provides that an adoption facilitator shall not engage in any of the following activities:

- (1) Advertising for the purpose of soliciting parties to an adoption, locating children for an adoption, or acting as an intermediary between the parties to an adoption.
- (2) Charging a fee or other valuable consideration for service rendered relating to an adoption, whether directly or indirectly, for locating children for adoption, or acting as an intermediary between the parties to an adoption.

Proposed law provides that as used in proposed law, "adoption facilitator" means an individual or juridical person that acts as intermediary or facilitator between adoptive parents and birth mothers.

Proposed law provides that an "adoption facilitator" shall not include any of the following:

- (1) A licensed adoption agency.
- (2) An attorney licensed to practice law in La.
- (3) Any individual licensed to provide mental health counseling and preplacement and home studies as provided in present law.
- (4) A La.-based crisis pregnancy center or La.-based pregnancy resource center.
- (5) An individual who does not receive a fee or other valuable consideration for services rendered relating to an adoption, whether directly or indirectly, for locating children for adoption, or acting as an intermediary between the parties to an adoption.

Proposed law provides that a violation of proposed law shall be an unfair trade practice as provided in present law.

Proposed law (R.S. 51:1402(10)(c)) provides that "trade" or "commerce" shall include the advertising or collecting fees as an adoption facilitator in violation of proposed law.

Effective Aug. 1, 2024.

(Amends R.S. 46:1425; Adds R.S. 46:1425(E), R.S. 46:1425.1, and R.S. 51:1402(10)(c))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Makes technical amendments.
2. Provides prohibitions relative to adoption facilitators.

Senate Floor Amendments to engrossed bill

1. Includes that an "adoption facilitator" shall not include La.-based crisis pregnancy centers or La.-based pregnancy resource centers.

Summary of Amendments Adopted by House

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

1. Make technical change.