

2025 Regular Session

HOUSE BILL NO. 400

BY REPRESENTATIVES CHENEVERT AND HORTON

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

HEALTH/CHILDREN: Provides relative to a minor's consent for medical procedures and treatments

1 AN ACT

2 To amend and reenact R.S. 40:1079.1 and 1165.1(A)(1) and to repeal R.S. 40:1079.2,
3 1079.3, and 1079.13, relative to a minor's consent to certain medical procedures and
4 treatments; to provide for parental consent for medical procedures performed on a
5 minor; to provide for exceptions; to require parental access to medical records for
6 minor children; to prohibit civil and criminal liability for hospitals and healthcare
7 professionals licensed to practice medicine in this state; to repeal a school or
8 facility's authority to provide preventive counseling or treatment to a minor without
9 parental consent; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 40:1079.1 and 1165.1(A)(1) are hereby amended and reenacted to
12 read as follows:

13 §1079.1. Medical treatment; exceptions; record requests

14 ~~A.(1) Consent to the provision of medical or surgical care or services by a~~
15 ~~hospital or public clinic, or to the performance of medical or surgical care or services~~
16 ~~by a physician, licensed to practice medicine in this state, when executed by a minor~~
17 ~~who is or believes himself to be afflicted with an illness or disease, shall be valid and~~
18 ~~binding as if the minor had achieved his majority. Any such consent shall not be~~
19 ~~subject to a later disaffirmance by reason of his minority. Except as provided for in~~
20 Subsection B of this Section, consent from any person lawfully exercising parental

1 authority including but not limited to a domiciliary parent, tutor, legal guardian, or
2 any person temporarily standing in loco parentis, whether formally or informally, for
3 a minor under his care shall be required for all medical and mental health services
4 provided to the minor until the minor reaches the age of seventeen.

5 ~~(2) A minor may consent to medical care or the administration of medication~~
6 ~~by a hospital licensed to provide hospital services or by a physician licensed to~~
7 ~~practice medicine in this state for the purpose of alleviating or reducing pain,~~
8 ~~discomfort, or distress of and during labor and childbirth. The manner of~~
9 ~~administration of medications includes but is not limited to intravenous,~~
10 ~~intramuscular, epidural, and spinal. This consent shall be valid and binding as if the~~
11 ~~minor had achieved her majority, and it shall not be subject to a later disaffirmance~~
12 ~~by reason of her minority.~~

13 B.(1) ~~The consent of a spouse, parent, guardian, or any other person standing~~
14 ~~in a fiduciary capacity to the minor shall not be necessary in order to authorize such~~
15 ~~hospital care or services or medical or surgical care or services, or administration of~~
16 ~~drugs to be provided by a physician licensed to practice medicine to such a minor.~~
17 A minor may consent to the provision of medical and mental health services in any
18 of the following circumstances:

19 (a) If the minor is a member of the armed forces of the United States of
20 America.

21 (b) If the minor is emancipated.

22 (c) If the minor is pregnant and consenting to medical or surgical care or
23 services related to the pregnancy.

24 (d) If the minor is seeking treatment for alcohol or substance misuse.

25 (e) If the minor is seeking medical or surgical care and services for the
26 treatment of sexually transmitted diseases.

27 (f) If the minor is donating blood.

28 (g) If a healthcare provider, in his professional judgment, believes the minor
29 is exhibiting signs of abuse or neglect as defined in Children's Code Article 603.

(h) If a minor voluntarily chooses to be admitted to a treatment facility in
accordance with Children's Code Article 1464.

(2) Consent given by a minor in accordance with this Subsection shall be valid and binding as if the minor had achieved his majority. Any such consent shall not be subject to a later disaffirmance by reason of his minority.

C. ~~Upon the advice and direction of a treating physician, or, in the case of a medical staff, any one of them, a physician or member of a medical staff may, but shall not be obligated to, inform the spouse, parent or guardian of any such minor as to the treatment given or needed, and such information may be given to, or withheld from the spouse, parent or guardian without the consent and over the express objection of the minor.~~ Consent to surgical or medical treatment for a minor child who has not reached the age of eighteen shall be implied in cases of emergency, as defined in R.S. 40:1159.5.

D. No licensed healthcare facility hospital and no physician licensed healthcare provider authorized to practice medicine provide healthcare services in this state shall incur civil or criminal liability in connection with any examination, diagnosis and treatment authorized by this Section except for negligence.

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§1165.1. Healthcare information; records

A.(1) Each ~~health care~~ healthcare provider shall furnish each patient, upon request of the patient, a copy of any information related in any way to the patient which the ~~health care~~ healthcare provider has transmitted to any company, ~~or any~~ public or private agency, or ~~any~~ person. If the patient is a minor, each healthcare provider shall furnish the parent, tutor, or legal guardian of the minor a copy of any information related in any way to the patient which the healthcare provider has transmitted to any company, public or private agency, or person.

Section 2. R.S. 40:1079.2, 1079.3, and 1079.13 are hereby repealed in their entirety.

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 400 Reengrossed

2025 Regular Session

Chenevert

Abstract: Requires informed, written, parental consent for the provision or performance of certain medical procedures or services to minors.

Present law provides that consent to the provision of medical or surgical care or services by a hospital or public clinic, or to the performance of medical or surgical care or services by a physician, licensed to practice medicine in this state, when executed by a minor who is or believes himself to be afflicted with an illness or disease, shall be valid and binding as if the minor had achieved his majority.

Proposed law repeals present law.

Proposed law requires informed consent from a person lawfully exercising parental authority over a minor child for all medical and mental health services provided to the minor child until the minor reaches the age of 17.

Exceptions to the provisions of proposed law shall include but not be limited to the following instances:

- (1) If the minor classifies as a member of the armed forces of the United States, an emancipated minor, or an unemancipated minor who is pregnant and consenting to medical or surgical care or services related to the pregnancy.
- (2) If the minor is a member of the armed forces of the United States of America. If the minor is emancipated.
- (3) If the minor is pregnant and consenting to medical or surgical care or services related to the pregnancy.
- (4) If the minor is seeking treatment for alcohol or substance misuse.
- (5) If the minor is seeking medical or surgical care and services for the treatment of sexually transmitted diseases.
- (6) If the minor is donating blood.
- (7) If the minor is exhibiting signs of abuse or neglect based on the judgment of a healthcare provider.
- (8) If a minor voluntarily chooses to be admitted to a treatment facility in accordance with present law.

Present law provides that consent of a spouse, parent, guardian, or any other person standing in a fiduciary capacity to the minor shall not be necessary in order to authorize hospital care or services or medical or surgical care or services, or administration of drugs to be provided by a physician licensed to practice medicine to a minor.

Proposed law repeals present law.

Proposed law further provides that consent to surgical or medical treatment for a minor child who has not reached the age of 18 shall be implied in cases of emergency.

Present law provides that, upon the advice and direction of a treating physician, or, in the case of a medical staff, any one of them, a physician or member of a medical staff may, but shall not be obligated to, inform the spouse, parent or guardian of any treatment give to or needed for the minor. Present law further provides that such information may be given to, or withheld from the spouse, parent or guardian without the consent and over the express objection of the minor.

Proposed law repeals present law.

Proposed law further requires the parent, tutor, or legal guardian of the minor to be permitted access to the minor's patient records as provided in present law.

Proposed law further provides that no licensed healthcare facility or healthcare provider licensed in accordance with present law shall incur civil or criminal liability in connection with any examination, diagnosis and treatment, procedure, or service in conformance with proposed law.

Present law provides that consent to the provision of medical or surgical care or services by a hospital or public clinic, or to the performance of medical or surgical care or services by a physician, licensed to practice medicine in this state, when executed by a minor who is or believes himself to be addicted to a narcotic or other drug, shall be valid and binding as if the minor had achieved his majority.

Proposed law repeals present law.

Present law further provides that any such consent shall not be subject to a later disaffirmance by reason of his minority.

Proposed law repeals present law.

Present law allows a minor to give consent to the donation of his blood and to the penetration of tissue necessary to accomplish such donation if certain criteria are satisfied.

Proposed law repeals present law.

Present law prohibits a minor from being compensated for the donation of his blood.

Proposed law repeals present law.

Present law provides that consent obtained in accordance with present law shall not be subject to deferments because of minority.

Proposed law repeals present law.

Present law allows a school or a facility to provide preventive counseling or treatment to a child without parental consent if certain conditions are met.

Proposed law repeals present law.

Present law requires a school or facility to comply with certain provisions outlined in present law when requesting a child's written consent for the provision of preventive counseling services or treatment.

Proposed law repeals present law.

(Amends R.S. 40:1079.1 and 1165.1(A)(1); Repeals R.S. 40:1079.2, 1079.3, and 1079.13)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Add definition of "abuse" and "neglect".
2. Clarify who is authorized to provide consent for medical and surgical procedures.
3. Add exceptions to consent requirement for certain circumstances.

The House Floor Amendments to the engrossed bill:

1. Modify exception to the parental consent requirement for a child exhibiting signs of abuse.
2. Add an exception to the parental consent requirement for a child who voluntarily chooses to be admitted to a treatment facility.
3. Change the age that a minor is not required to obtain parental consent to 17 years old or older.
4. Make technical changes.