

2020 Regular Session

HOUSE BILL NO. 610

BY REPRESENTATIVE LANDRY

HEALTH/CHILDREN: Provides relative to forensic medical examinations of minors

1 AN ACT

2 To amend and reenact R.S. 40:1079.1(A)(1) and to enact R.S. 40:1079.4, relative to minors;
3 to provide for the minor's consent to medical treatment; to provide for forensic
4 medical examinations; to provide for a minor's consent for sexual trauma treatment;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1079.1(A)(1) is hereby amended and reenacted and R.S.
8 40:1079.4 is hereby enacted to read as follows:

9 §1079.1. Medical treatment

10 A.(1) Consent to the provision of medical or surgical care, a forensic medical
11 examination, or services by a hospital or public clinic, or to the performance of
12 medical or surgical care, a forensic medical examination, or services by a physician,
13 licensed to practice medicine in this state, when executed by a minor who is or
14 believes himself to be afflicted with an illness or disease, shall be valid and binding
15 as if the minor had achieved his majority. Any such consent shall not be subject to
16 a later disaffirmance by reason of his minority.

17 * * *

18 §1079.4. Treatment for sexual trauma

19 A. Any sexual assault counselor licensed by a healthcare professional
20 licensing board created in Title 37 of the Louisiana Revised Statutes of 1950 may

1 provide counseling to a minor after the minor has given his consent to receive the
2 counseling. The minor's consent shall be valid and binding as if the minor had
3 achieved his majority. No consent given in accordance with this Section shall be
4 subject to a later disaffirmance by reason of his minority.

5 B. Notwithstanding any other provision of law to the contrary, nothing in
6 this Section shall be construed to negate or impair any provision of law relative to
7 the mandatory reporting of crimes against children under the age of eighteen years.

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 610 Engrossed

2020 Regular Session

Landry

Abstract: Provides with respect to a minor's consent to medical treatment, including a forensic medical examination.

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

Proposed law retains present law and adds that a minor may also consent to a forensic medical examination when the minor believes he has been afflicted with an illness or disease.

Proposed law provides that a sexual assault counselor licensed pursuant to present law may provide sexual trauma treatment to a minor after the minor has provided consent to receive such counseling. Further provides that the minor's consent shall be valid and binding as if the minor had achieved his majority and shall not be considered null for reason of his age.

Proposed law does not negate or limit in any way any provision of present law that requires the reporting of crimes against children under the age of 18.

(Amends R.S. 40:1079.1(A)(1); Adds R.S. 40:1079.4)