

HOUSE COMMITTEE AMENDMENTS

2025 Regular Session

Amendments proposed by House Committee on Health and Welfare to Original House Bill No. 400 by Representative Chenevert

AMENDMENT NO. 1

On page 1 delete lines 2 through 11 in their entirety and insert the following:

"To amend and reenact R.S. 40:1079.1 and 1165.1(A)(1), to enact R.S. 40:1077.1(introductory paragraph)(3) and (4), and to repeal R.S. 40:1079.2, 1079.3, and 1079.13, relative to a minor's consent to certain medical procedures and treatments; to provide for parental consent for medical procedures performed on a minor; to provide for exceptions; to require parental access to medical records for minor children; to prohibit civil and criminal liability for hospitals and healthcare professionals licensed to practice medicine in this state; to repeal a school or facility's authority to provide preventive counseling or treatment to a minor without parental consent; and to provide for related matters."

AMENDMENT NO. 2

On page 1, delete line 13 in its entirety and insert the following:

"Section 1. R.S. 40:1079.1 and 1165.1(A)(1) are hereby amended and reenacted and R.S. 40:1077.1(introductory paragraph)(3) and (4) are hereby enacted to read as follows:"

AMENDMENT NO. 3

On page 1, between lines 13 and 14, insert the following:

"§1077.1. Definitions

As used in this Part, the following terms ~~shall~~ have the following meanings:

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(3) "Abuse" means any one of the following acts that seriously endanger the physical, mental, or emotional health, welfare, and safety of the child:

(a) The infliction, attempted infliction, or, as a result of inadequate supervision, the allowance of the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person.

(b) The exploitation or overwork of a child by a parent or any other person, including but not limited to commercial sexual exploitation of the child.

(c) The involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent, caretaker, or any other person of the child's involvement in any of the following:

(i) Any sexual act with any other person.

(ii) Pornographic displays.

(iii) Any sexual activity constituting a crime under the laws of this state.

(d) A coerced abortion conducted upon a child.

(e) Female genital mutilation as defined by R.S. 14:43.4 of the child or of a sister of the child.

(4) "Neglect" means the refusal or unreasonable failure of a parent or caretaker to supply the child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness, or condition of the child, as a result of which the child's physical, mental, or emotional health, welfare, and safety is substantially threatened or impaired. Neglect includes prenatal neglect. The inability of a parent or caretaker to provide for a child due to inadequate financial resources shall not, for that reason alone, be considered neglect. Whenever, in lieu of medical care, a child is being provided treatment in accordance with the tenets of a well-recognized

religious method of healing that has a reasonable, proven record of success, the child shall not, for that reason alone, be considered to be neglected or maltreated.

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AMENDMENT NO. 4

On page 1, line 20, delete "Informed consent from the" and insert the following:

"Except as provided for in Subsection B of this Section, consent from any person lawfully exercising parental authority, including but not limited to a tutor, legal guardian, or any person temporarily standing in loco parentis, whether formally or informally, for a minor under his care shall be required for all medical and mental health services provided to the minor until the minor reaches the age of eighteen.

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

AMENDMENT NO. 5

On page 2, delete page 2 in its entirety and insert the following:

"B.(1) The 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 such 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 such a minor. A minor may consent to the provision of medical and mental health services in any of the following circumstances:

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

(b) If the minor is emancipated.

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

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

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

(f) If the minor is donating blood.

(g) If the minor is seventeen years old and attending postsecondary education or training.

(h) If the minor is exhibiting signs of abuse or neglect.

(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.

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AMENDMENT NO. 6

On page 3, delete lines 1 through 4 in their entirety.

AMENDMENT NO. 7

On page 3, delete lines 13 and 22 in their entirety and insert the following:

"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.

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