

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

11 Be it enacted by the Legislature of Louisiana:

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

14 §1077.1. Definitions

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

16 * * *

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

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

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

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

9 (i) Any sexual act with any other person.

10 (ii) Pornographic displays.

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

12 (d) A coerced abortion conducted upon a child.

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

15 (4) "Neglect" means the refusal or unreasonable failure of a parent or
16 caretaker to supply the child with necessary food, clothing, shelter, care, treatment,
17 or counseling for any injury, illness, or condition of the child, as a result of which the
18 child's physical, mental, or emotional health, welfare, and safety is substantially
19 threatened or impaired. Neglect includes prenatal neglect. The inability of a parent
20 or caretaker to provide for a child due to inadequate financial resources shall not, for
21 that reason alone, be considered neglect. Whenever, in lieu of medical care, a child
22 is being provided treatment in accordance with the tenets of a well-recognized
23 religious method of healing that has a reasonable, proven record of success, the child
24 shall not, for that reason alone, be considered to be neglected or maltreated.

25 * * *

26 §1079.1. Medical treatment; exceptions; record requests

27 ~~A.(1) Consent to the provision of medical or surgical care or services by a~~
28 ~~hospital or public clinic, or to the performance of medical or surgical care or services~~
29 ~~by a physician, licensed to practice medicine in this state, when executed by a minor~~

1 ~~who is or believes himself to be afflicted with an illness or disease, shall be valid and~~
2 ~~binding as if the minor had achieved his majority. Any such consent shall not be~~
3 ~~subject to a later disaffirmance by reason of his minority. Except as provided for in~~
4 Subsection B of this Section, consent from any person lawfully exercising parental
5 authority, including but not limited to a tutor, legal guardian, or any person
6 temporarily standing in loco parentis, whether formally or informally, for a minor
7 under his care shall be required for all medical and mental health services provided
8 to the minor until the minor reaches the age of eighteen.

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

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

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

25 ~~(b) If the minor is emancipated.~~

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

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

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

3 (f) If the minor is donating blood.

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

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

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

10 * * *

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

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

23 * * *

24 §1165.1. Healthcare information; records

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

- 1 information related in any way to the patient which the healthcare provider has
2 transmitted to any company, public or private agency, or person.
3 Section 2. R.S. 40:1079.2, 1079.3, and 1079.13 are hereby repealed in their entirety.
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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 Engrossed

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 18.

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 seventeen years old and attending postsecondary education or training.
- (8) If the minor is exhibiting signs of abuse or neglect.

Proposed law defines "abuse" and "neglect".

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); Adds R.S. 40:1077.1(intro. para.), (3), and (4); 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.