
DIGEST

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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 given 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.