

**HOUSE SUMMARY OF SENATE AMENDMENTS****HB 775****2026 Regular Session****Chenevert**

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

**Synopsis of Senate Amendments**

1. Clarifies that no healthcare provider, hospital, or healthcare professional (healthcare entity) shall provide medical or surgical care to a person who has not attained the age of majority without the consent of a parent, legal guardian, or other person professing to serve as a temporary custodian or caregiver of the person who has not attained the age of majority seeking care.
2. Provides that a healthcare entity that relies, in good faith, on any direction of an individual claiming to be a temporary custodian or caregiver shall not be held civilly liable except for malpractice claims related to the services provided.
3. Adds that a healthcare entity has no duty to investigate, verify, or confirm the claims of a person claiming to be a temporary custodian or caregiver of a person who has not attained the age of majority seeking care.
4. Adds that a healthcare entity does not need to obtain consent from the parent, legal guardian, or temporary custodian or caregiver if the person who has not attained the age of majority is enrolled as a student in a college or university unless the person who has not attained the age of majority is a high school student who is dually enrolled in a post-secondary education program.
5. Adds that a healthcare entity does not need to obtain consent from the parent, legal guardian, or temporary custodian or caregiver if the person who has not attained the age of majority is seeking contraceptives or prevention or treatment for a sexually transmitted infection unless the treatment is a vaccination for a sexually transmitted infection.
6. Replaces the term "minor" with "a person who has not attained the age of majority".

**Digest of Bill as Finally Passed by Senate**

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 replaces the term "minor" with "a person who has not attained the age of majority".

Proposed law provides that no healthcare provider, hospital, or healthcare professional (healthcare entity) shall provide medical or surgical care to a person who has not attained the age of majority without the consent of a parent, legal guardian, or other person professing to serve as a temporary custodian or caregiver of the person who has not attained the age of majority seeking care.

Proposed law provides that a healthcare entity that relies, in good faith, on any direction of an individual claiming to be a temporary custodian or caregiver shall not be held civilly liable except for malpractice related to the services provided. Proposed law further provides that a healthcare entity has no duty to investigate, verify, or confirm the claims of a person claiming to be a temporary custodian or caregiver of a person who has not attained the age of majority seeking care.

Proposed law provides that a person who has not attained the age of majority may consent to medical or mental health care in any of the following instances:

- (1) If the person who has not attained the age of majority is a member of the armed forces of the United States of America.
- (2) If the person who has not attained the age of majority is emancipated.
- (3) If the person who has not attained the age of majority is pregnant and consenting to medical or surgical care or services related to the pregnancy.
- (4) If the person who has not attained the age of majority is seeking treatment for alcohol or substance misuse.
- (5) If the person who has not attained the age of majority is seeking medical or surgical care and services for the treatment of sexually transmitted diseases.
- (6) If the person who has not attained the age of majority is donating blood.
- (7) If the person who has not attained the age of majority is exhibiting signs of abuse or neglect based on the judgment of a healthcare provider.
- (8) If a person who has not attained the age of majority voluntarily chooses to be admitted to a treatment facility in accordance with present law.
- (9) If person who has not attained the age of majority the is enrolled as a student in a college or university unless the person who has not attained the age of majority is a high school student who is dually enrolled in a post-secondary education program.
- (10) If the person who has not attained the age of majority is seeking contraceptives or prevention or treatment for a sexually transmitted infection unless the treatment is a vaccination for a sexually transmitted infection.

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 person who has not attained the age of majority 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 person who has not attained the age of majority. 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 modifies the definition of "patient" to authorize a parent or legal guardian of a person who has not attained the age of majority under eighteen years of age to obtain the person who has not attained the age of majority's medical records.

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, 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 provides that consent obtained in accordance with present law shall not be subject to disaffirmance 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(B)(2); Repeals R.S. 40:1079.2, 1079.3, and 1079.13)