

2026 Regular Session

HOUSE BILL NO. 948

BY REPRESENTATIVE AMEDEE

HEALTH/CHILDREN: Provides with respect to the rights of parents regarding the medical treatment of their minor children

1 AN ACT

2 To enact Subpart C of Part V of Chapter 5-A of Title 40 of the Louisiana Revised Statutes  
3 of 1950, to be comprised of R.S. 40:1079.21 through 1079.25, relative to parental  
4 rights; to prohibit state intervention in certain circumstances; to provide for medical  
5 treatment of minors with cancer; to provide for definitions; to provide for  
6 enforcement; to provide for exceptions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Subpart C of Part V of Chapter 5-A of Title 40 of the Louisiana Revised  
9 Statutes of 1950, comprised of R.S. 40:1079.21 through 1079.25, is hereby enacted to read  
10 as follows:

11 SUBPART C. PARENTAL MEDICAL DECISION PROTECTION

12 §1079.21. Short title; purpose

13 A. This Subpart may be cited as the "Parental Medical Decision Protection  
14 Act".

15 B. Parents and legal guardians possess a fundamental right to direct the  
16 upbringing, healthcare, and medical treatment of their minor children.

17 C. Informed consent requires that medical decisions be voluntary and free  
18 from coercion and with full disclosure of the risks and benefits of a medical  
19 procedure.

20 §1079.22. Definitions

1           As used in this Subpart, the following terms shall have the meanings ascribed  
2           to them:

3           (1) "Chemotherapy" means the administration of chemical agents intended  
4           to treat cancer.

5           (2) "Medical intervention" means any medical procedure, treatment, test,  
6           drug, biological product, or therapy.

7           (3) "Parent or guardian" means a biological parent, adoptive parent, or legal  
8           guardian with lawful authority over a minor child.

9           (4) "Non-emergency" means a condition that does not meet the definition of  
10          a medical emergency including any condition that does not constitute an emergency  
11          medical condition as defined in this Section.

12          (5) "Emergency medical condition" means a medical condition manifesting  
13          itself by acute symptoms of sufficient severity including severe pain such that the  
14          absence of immediate medical attention could reasonably be expected to result in any  
15          of the following:

16                 (i) Placing the health of the individual or, with respect to a pregnant woman,  
17                 the health of the woman or her unborn child, in serious jeopardy.

18                 (ii) Serious impairment to bodily functions.

19                 (iii) Serious dysfunction of any bodily organ or part.

20          §1079.23. Parental right to determine medical care; cancer treatment; prohibition on  
21          certain investigations

22                 A. No government entity, child welfare agency, law enforcement officer,  
23                 court, or healthcare facility shall initiate or pursue an investigation, petition, custody  
24                 action, neglect allegation, or any other adverse action against a parent or guardian  
25                 solely because the parent or guardian does any of the following:

26                         (1) Declines chemotherapy or other cancer treatment for a minor.

27                         (2) Seeks or obtains a second medical opinion regarding a diagnosis or  
28                         proposed treatment for a minor in a non-emergency situation.

1           (3) Goes against medical advice or declines medical interventions or  
2           therapies while pursuing other integrative or alternative treatment options for the  
3           minor child.

4           B. A parent or guardian's decision described in Subsection A of this Section  
5           shall not constitute medical neglect or abuse under state law.

6           C. No healthcare provider shall be required to report a parent or guardian to  
7           a government entity solely for making a decision described in Subsection A of this  
8           Section.

9           §1079.24. Emergency medical care; exceptions

10           A. Nothing in this Subpart shall be construed to limit necessary intervention  
11           when a minor is experiencing a life-threatening medical emergency requiring  
12           immediate treatment. However, treatment in this instance shall be limited to treating  
13           the life-threatening medical emergency.

14           B. Nothing in this Subpart shall be construed to do any of the following:

15           (1) Require any parent or guardian to decline medical treatment.

16           (2) Prohibit any parent or guardian from consenting to chemotherapy or  
17           other cancer treatment.

18           (3) Interfere with voluntary medical care chosen by the parent or guardian.

19           §1079.25. Enforcement; remedies

20           A. A parent or guardian aggrieved by a violation of this Subpart may bring  
21           a civil action for declaratory relief, injunctive relief, actual damages, and reasonable  
22           attorney's fees and costs.

23           B. Sovereign or governmental immunity is waived to the extent of liability  
24           under this Section.

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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)]

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HB 948 Original

2026 Regular Session

Amedee

**Abstract:** Authorizes parents to seek alternative treatments for their minor children diagnosed with cancer.

Proposed law provides for definitions.

Proposed law prohibits any government entity, court, healthcare facility, or law enforcement officer from taking adverse action against a parent or guardian solely for declining chemotherapy or other cancer treatment for a minor and pursuing alternative treatment options in non-emergency situations.

Proposed law prohibits adverse action against a parent or guardian for seeking a second medical opinion or declining medical interventions while pursuing other medically supervised treatments in non-emergency situations.

Proposed law provides that such parental decisions shall not constitute medical neglect or abuse under present law.

Proposed law prohibits healthcare providers from reporting a parent or guardian solely for making the protected medical decisions described in proposed law.

Proposed law clarifies that it does not limit necessary medical intervention in a life-threatening emergency but restricts treatment to addressing the emergency condition.

Proposed law clarifies that it does not require parents to refuse treatment, does not prohibit consent to chemotherapy or other cancer treatment, and does not interfere with voluntary medical care chosen by the parent or guardian.

Proposed law authorizes a parent or guardian to bring a civil action for declaratory and injunctive relief, damages, and attorney fees for violations of proposed law and waives governmental immunity to the extent of liability.

(Adds R.S. 40:1079.21-1079.25)