HOUSE COMMITTEE AMENDMENTS

2026 Regular Session

Amendments proposed by House Committee on Health and Welfare to Original House Bill No. 897 by Representative Mandie Landry

AMENDMENT NO. 1

On page 1, line 2, delete "R.S. 46:972.1(G) and (H)," and insert "R.S. 46:972.2,"

AMENDMENT NO. 2

On page 1, line 4, after "information;" and before "and" insert "to provide for enforcement; to allow for the imposition of fines;"

AMENDMENT NO. 3

On page 1, line 7, delete "R.S. 46:972.1(G) and (H) are" and insert "R.S. 46:972.2 is"

AMENDMENT NO. 4

On page 1, delete lines 8 through 19 in their entirety and insert:

"§972.2. Protected health information of individuals receiving services

"A. For the purposes of this Section, the following terms have the meanings ascribed to them in this Subsection:

(1) "Department" means the Department of Children and Family Services.

(2) "General contractor" means an organization designated by statute or contract to manage the provision of pregnancy center resources through subcontracts with organizations that directly provide pregnancy center services. "General contractor" includes any entity designated to serve a similar function regarding a pregnancy center program or initiative, regardless of the formal label used.

(3) "Pregnancy center" or "center" means a facility that provides pregnancy-related services including but not limited to ultrasounds, pregnancy testing, or pregnancy counseling; or that otherwise collects health information from individuals who are seeking or receiving services from the center.

(4) "Protected health information" means any information related to an individual's past, present, or future physical or mental health or condition that contains information that identifies the individual or includes identifiable information that could provide a reasonable basis to identify the individual.

(5) "Subcontractor" means an organization that provides pregnancy center services in one or more locations by contract with the department or by contract with a general contractor coordinating pregnancy center services or referrals under a contract with the department.

C.(1) A pregnancy center, including a subcontractor operating or affiliated with a pregnancy center, shall not disclose a client's name or protected health information to any entity or individual outside of its organization without the written permission of the client for that specific disclosure of information, unless the disclosure is required by law.

(2) A pregnancy center shall provide to a client a privacy notice prior to obtaining written permission for any disclosure of protected health information. The privacy notice shall include all of the following:

(a) The specific purpose for disclosing the protected health information to a third party.

(b) The specific types of protected health information to be disclosed.

(c) The third parties who might or will receive protected health information.

(3) A pregnancy center shall further provide a simple mechanism for a client to revoke any consent previously granted for the disclosure of information.

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(4) A pregnancy center shall provide the client, without charge, a copy of all of the individual's records or information in the possession or control of the center within ten business days of a client's request.

(5) A general contractor that obtains or receives protected health information of a client related to a contract with a subcontractor or pregnancy center, or by virtue of the relationship with such entities, shall not disclose the client's name or any protected health information to any entity outside of its organization.

D. Nothing provided herein shall be construed to prevent a general contractor or subcontractor from disclosing information that maintains the confidentiality of an individual client, such as the number of clients who have been provided with particular goods or services, or prohibiting disclosures as otherwise required by or reasonably necessary for the department to exercise its oversight authority.

E.(1) Any person who believes there has been a violation of the privacy requirements of this Section has the right to file a complaint with the department.

(2) If the department has cause to believe a violation of this Section may have occurred, the department shall investigate the matter and determine whether a violation has occurred.

(3) If the department determines that a violation of this Section has occurred, it shall further determine the responsibility of a general contractor or subcontractor and shall initiate an enforcement action. An enforcement action may include any of the following:

(a) A warning.

(b) An imposition of monetary fines.

(4) Any penalty assessed against a general contractor or subcontractor shall be commensurate with the degree of responsibility attributed to that entity by the department.

(5) Any action taken pursuant to this Section shall be in accordance with applicable state contracting laws, rules, and procedures, including notice and an opportunity to respond.

F.(1) The requirements of this Section apply to any organization that receives state or federal funding, whether directly or indirectly, by contract, grant, or other cooperative endeavor arrangement through a program or initiative managed, monitored, or administered by the Department of Children and Family Services, which provides payment for pregnancy center services, pregnancy center referrals, pregnancy center marketing, or administrative functions of the program or initiative, including but not limited to the Louisiana Pregnancy and Baby Care Initiative and Thrive: The Baby and Parent Network.

(2) The general contractor or a subcontractor has the responsibility, along with a pregnancy center, for ensuring the requirements of this Section are met with respect to that center."

AMENDMENT NO. 5

Delete page 2 in its entirety

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