2026 Regular Session

HOUSE BILL NO. 897

BY REPRESENTATIVE MANDIE LANDRY

HEALTH: Provides relative to protecting healthcare data

AN ACT

To enact R.S. 46:972.2, relative to Louisiana Pregnancy and Baby Care Initiative; to protect healthcare data; to provide for definitions; to establish procedures to obtain and revoke consent to share information; to provide for enforcement; to allow for the imposition of fines; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:972.2 is hereby enacted to read as follows:

§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.

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(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.

(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.

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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,

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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.

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 897 Engrossed 2026 Regular Session Mandie Landry

Abstract: Provides for the protection of data for individuals utilizing services provided by the Louisiana Pregnancy and Baby Care Initiative.

Present law creates the Louisiana Pregnancy and Baby Care Initiative within the Department of Children and Family Services (DCFS) as a statewide program to promote childbirth and provide pregnancy, parenting, and adoption support services.

Present law makes services available to pregnant women, biological fathers of unborn children, parents or guardians of children up to 36 months old, participants who have experienced the loss of a child, and immediate family members of participating parents.

Present law requires DCFS to contract with a single nonprofit organization to serve as general contractor to manage the program and subcontract with existing nonprofit providers on a fee-for-service basis and prohibits the general contractor from providing direct client services.

Present law limits program-funded services to counseling or mentoring, referrals, educational classes, and material assistance intended to improve pregnancy or parenting outcomes.

Proposed law prohibits a pregnancy center from disclosing a client's name or protected health information outside of the organization without the client's written permission for a specific disclosure.

Proposed law requires a pregnancy center to provide a privacy notice prior to obtaining written consent for disclosure, including the purpose of the disclosure, the specific information to be disclosed, and the third parties who may receive the disclosed information.

Proposed law requires a pregnancy center to provide a simple mechanism for a client to revoke previously granted consent for disclosure of protected health information.

Proposed law requires a pregnancy center to provide a client, at no cost, a copy of the client's records within ten business days of a request.

Proposed law prohibits a general contractor that obtains protected health information from disclosing a client's name or protected health information outside of its organization.

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Proposed law allows disclosure of aggregate or de-identified information that does not identify an individual and allows disclosures necessary for DCFS to exercise oversight authority or as otherwise required by law.

Proposed law authorizes a person to file a complaint with DCFS for alleged violations and requires DCFS to investigate and determine whether a violation has occurred.

Proposed law requires DCFS to initiate enforcement action upon finding a violation, including warnings or monetary fines.

Proposed law requires that enforcement actions comply with applicable state contracting laws, rules, and procedures, including notice and an opportunity to respond.

Proposed law applies to any organization receiving state or federal funding through programs administered by DCFS for pregnancy center services, referrals, marketing, or administrative functions, including but not limited to the Louisiana Pregnancy and Baby Care Initiative and Thrive: The Baby and Parent Network.

Proposed law provides that a general contractor, subcontractor, and pregnancy center share responsibility for ensuring compliance with the provisions of proposed law.

Proposed law provides for definitions.

(Adds R.S.46:972.2)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Provide for definitions.

2. Provide that certain patient data is protected.

3. Add that a pregnancy center is required to provide a privacy notice.

4. Provide for enforcement mechanisms.

5. Add that the responsibility to provide notice and maintain patient privacy is a duty of the pregnancy center or affiliated entity.

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