

SENATE CONCURRENT RESOLUTION NO. 37

BY SENATOR FESI

A CONCURRENT RESOLUTION

To request the surgeon general to review Louisiana's informed consent laws and submit a report to the legislature on whether any gaps exist in current laws.

WHEREAS, according to the Centers for Disease Control and Prevention, while there is a requirement for certain vaccine information to be given to a patient prior to an immunization, there is no federal requirement for informed consent relating to immunizations; and

WHEREAS, the National Childhood Vaccine Injury Act of 1986, as amended, created the National Vaccine Injury Compensation Program, in response to lawsuits against vaccine manufacturers and healthcare providers that threatened to cause vaccine shortages and reduce vaccination rates; and

WHEREAS, one component of the program is a requirement for a healthcare provider to provide a copy of the current Vaccine Information Statement (VIS) to the legal representative of any child or to any other individual receiving certain vaccines; and

WHEREAS, while a VIS provides information, informed consent is an ethical and legal process involving a discussion and explicit, voluntary patient permission to proceed with any medical or surgical procedure, which may be required by state law; and

WHEREAS, Louisiana has uniform consent laws and medical consent laws as provided for in R.S. 40:1157.1, et seq., that provide for the means for obtaining patient consent and the persons eligible to give consent for a patient to receive surgical or medical treatment; and

WHEREAS, the Louisiana Medical Disclosure Panel is established in R.S. 40:1157.2 to determine which risks and hazards related to medical care and surgical procedures must be disclosed by a physician or other healthcare provider to a patient or person authorized to consent for a patient and to establish the general form and substance of such disclosure; and

WHEREAS, the panel is required to prepare separate lists of those medical treatments and surgical procedures that do and do not require disclosure and, for those treatments and procedures that do require disclosure, establish the degree of disclosure required and the form in which the disclosure will be made; and

WHEREAS, the list of medical and surgical procedures requiring disclosures are provided for in the Louisiana Administrative Code at LAC 48:I.2301 through 2463; and

WHEREAS, the Medical Disclosure Panel has not met since 2018, leaving the state without a mechanism to update medical and surgical procedures that require disclosure.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby request the surgeon general to review Louisiana's informed consent laws and submit a report to the legislature on whether any gaps exist in current law and any recommendations for updates to Louisiana's informed consent process.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the surgeon general.

---

PRESIDENT OF THE SENATE

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES