

2026 Regular Session

HOUSE BILL NO. 775

BY REPRESENTATIVES CHENEVERT, ADAMS, BAYHAM, BERAULT, DEVILLIER,
EDMONSTON, HORTON, LACOMBE, OWEN, SCHAMERHORN, SCHLEGEL,
VILLIO, AND WYBLE

1 AN ACT

2 To amend and reenact R.S. 40:1079.1 and 1165.1(B)(2) and to repeal R.S. 40:1079.2,
3 1079.3, and 1079.13, relative to a minor's consent to certain medical procedures and
4 treatments; to provide for parental consent for medical procedures performed on a
5 minor; to provide for exceptions; to revise a definition; to require parental access to
6 medical records for minor children; to prohibit civil and criminal liability for
7 hospitals and healthcare professionals licensed to practice medicine in this state; to
8 repeal a school or facility's authority to provide preventive counseling or treatment
9 to a minor without parental consent; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 40:1079.1 and 1165.1(B)(2) are hereby amended and reenacted to
12 read as follows:

13 §1079.1. Medical treatment; exceptions; record requests

14 ~~A.(1) Consent to the provision of medical or surgical care or services by a~~
15 ~~hospital or public clinic, or to the performance of medical or surgical care or services~~
16 ~~by a physician, licensed to practice medicine in this state, when executed by a minor~~
17 ~~who is or believes himself to be afflicted with an illness or disease, shall be valid and~~
18 ~~binding as if the minor had achieved his majority. Any such consent shall not be~~
19 ~~subject to a later disaffirmance by reason of his minority. Except as otherwise~~
20 ~~provided for in Subsection B of this Section, no healthcare provider shall provide~~
21 ~~medical or surgical care or services to any person who has not attained the age of~~
22 ~~majority without the consent of the parent, legal guardian, or any person professing~~
23 ~~to be serving as temporary custodian or caregiver of the person who has not attained~~
24 ~~the age of majority at the request of a parent or legal guardian.~~

1 ~~(2) A minor may consent to medical care or the administration of medication~~
 2 ~~by a hospital licensed to provide hospital services or by a physician licensed to~~
 3 ~~practice medicine in this state for the purpose of alleviating or reducing pain,~~
 4 ~~discomfort, or distress of and during labor and childbirth. The manner of~~
 5 ~~administration of medications includes but is not limited to intravenous,~~
 6 ~~intramuscular, epidural, and spinal. This consent shall be valid and binding as if the~~
 7 ~~minor had achieved her majority, and it shall not be subject to a later disaffirmance~~
 8 ~~by reason of her minority.~~

9 (1) A healthcare provider, healthcare facility, hospital, physician, nurse,
 10 emergency medical services provider, or other person licensed or authorized to
 11 provide healthcare services in this state may rely in good faith on the representation
 12 of a person professing to be serving as temporary custodian or caregiver of a person
 13 who has not attained the age of majority.

14 (2) The provisions of R.S. 40:1159.4(F) and (G) shall apply to any hospital,
 15 healthcare facility, physician, or healthcare provider that relies in good faith on any
 16 direction or decision by any person reasonably believed to be authorized and
 17 empowered to consent under this Section.

18 (3) A healthcare provider or healthcare facility relying on the representations
 19 of a temporary custodian or caregiver under this Section shall have no affirmative
 20 duty to investigate, verify, or confirm the legal authority of the person professing to
 21 be serving as temporary custodian or caregiver of such person who has not attained
 22 the age of majority at the request of a parent or legal guardian absent actual
 23 knowledge that the representation is false.

24 B.(1) The consent of a spouse, parent, guardian, or any other person standing
 25 in a fiduciary capacity to the minor shall not be necessary in order to authorize such
 26 hospital care or services or medical or surgical care or services, or administration of
 27 drugs to be provided by a physician licensed to practice medicine to such a minor.
 28 A person who has not attained the age of majority may consent to the provision of
 29 medical and mental health services in any of the following circumstances:

1 (a) If the person who has not attained the age of majority is a member of the
2 armed forces of the United States of America.

3 (b) If the person who has not attained the age of majority is emancipated.

4 (c) If the person who has not attained the age of majority is pregnant and
5 consenting to medical or surgical care or services related to the pregnancy.

6 (d) If the person who has not attained the age of majority is seeking
7 treatment for alcohol or substance misuse.

8 (e) If the person who has not attained the age of majority is seeking medical
9 or surgical care and services for the treatment of sexually transmitted diseases.

10 (f) If the person who has not attained the age of majority is donating blood.

11 (g) If a healthcare provider, in his professional judgment, believes the person
12 who has not attained the age of majority is exhibiting signs of abuse or neglect as
13 defined in Children's Code Article 603.

14 (h) If a person who has not attained the age of majority voluntarily chooses
15 to be admitted to a treatment facility in accordance with Children's Code Article
16 1464.

17 (i) If the person who has not attained the age of majority is enrolled as a
18 student in a college or university, not including a high school student that is dually
19 enrolled in a post-secondary education program.

20 (j) If the person who has not attained the age of majority is seeking
21 contraceptives or prevention or treatment for a sexually transmitted infection, with
22 the exception of the provision of a vaccination for a sexual transmitted disease or
23 infection.

24 (2) Consent given by a person who has not attained the age of majority in
25 accordance with this Subsection shall be valid and binding as if the person had
26 achieved his majority. Any such consent shall not be subject to a later disaffirmance
27 by reason of his minority.

28 ~~C. Upon the advice and direction of a treating physician, or, in the case of~~
29 ~~a medical staff, any one of them, a physician or member of a medical staff may, but~~
30 ~~shall not be obligated to, inform the spouse, parent or guardian of any such minor as~~

