

2024 Regular Session

HOUSE BILL NO. 256

BY REPRESENTATIVE HORTON

HEALTH/CHILDREN: Provides relative to a minor's consent for medical procedures

1 AN ACT

2 To amend and reenact R.S. 40:1079.1(A) and to enact R.S. 40:1079.1.1, relative to a minor's
3 consent to certain medical procedures; to clarify age requirements; to require
4 parental consent for certain medical procedures; to provide for exceptions; to provide
5 relative to an emergency medical procedure; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1079.1(A) is hereby amended and reenacted and R.S. 40:1079.1.1
8 is hereby enacted to read as follows:

9 §1079.1. Medical treatment

10 A.(1) Consent to the provision of medical or surgical care or services by a
11 hospital or public clinic, or to the performance of medical or surgical care or services
12 by a physician, licensed to practice medicine in this state, when executed by a minor
13 who is or believes himself to be afflicted with an illness or disease, shall be valid and
14 binding as if the minor had ~~achieved his majority~~ reached the age of eighteen. Any
15 such consent shall not be subject to a later disaffirmance by reason of his minority.

16 (2) A minor may consent to medical care or the administration of medication
17 by a hospital licensed to provide hospital services or by a physician licensed to
18 practice medicine in this state for the purpose of alleviating or reducing pain,
19 discomfort, or distress of and during labor and childbirth. The manner of
20 administration of medications includes but is not limited to intravenous,

1 intramuscular, epidural, and spinal. This consent shall be valid and binding as if the
2 minor had ~~achieved her majority~~ reached the age of eighteen, and it shall not be
3 subject to a later disaffirmance by reason of her minority.

4 * * *

5 §1079.1.1. Minor's consent to certain procedures; parental consent required

6 A. Notwithstanding any provision of law to the contrary, parental consent
7 shall be required for medical or surgical care or services performed on a minor and
8 executed by any physician or other healthcare professional licensed to practice in this
9 state, except in cases of emergency.

10 B. For the purposes of this Section, a medical procedure shall not be deemed
11 an emergency if it is an elective procedure, which is not medically necessary, that
12 is requested or suggested by either the physician or minor.

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 256 Original

2024 Regular Session

Horton

Abstract: Requires parental consent for medical or surgical care or services performed on a minor, except in cases of emergency.

Present law provides that consent to the provision of medical or surgical care or services by a hospital or public clinic, or to the performance of medical or surgical care or services by a physician, licensed to practice medicine in this state, when executed by a minor who is or believes himself to be afflicted with an illness or disease, shall be valid and binding as if the minor had achieved his majority.

Proposed law clarifies that the age requirement provided in present law for the age of majority is the age of 18.

Proposed law requires parental consent for medical or surgical care or services performed on a minor and executed by any healthcare professional licensed to practice in this state, except in cases of emergency.

Proposed law clarifies that for the purposes of proposed law, a medical procedure shall not be deemed an emergency if it is an elective procedure requested or suggested by either the physician or minor.

(Amends R.S. 40:1079.1(A); Adds R.S. 40:1079.1.1)