

2024 Regular Session

HOUSE BILL NO. 711

BY REPRESENTATIVE GALLE

VACCINES/VACCINATION: Provides relative to parental consent with respect to the administration of vaccines to minors

1 AN ACT

2 To enact R.S. 40:1079.4, relative to parental consent with respect to the administration of
3 vaccines to minors; to provide for definitions; to provide for legislative findings; to
4 require the provision of certain vaccination information; to require parental consent
5 for the vaccination of minors; to provide for exemptions; to provide for disciplinary
6 actions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1079.4 is hereby enacted to read as follows:

9 §1079.4. Parental consent required for vaccinations; definitions; findings

10 A. For the purposes of this Section, the following definitions apply:

11 (1) "Department" means the Louisiana Department of Health.

12 (2) "Healthcare provider" shall have the same meaning as R.S. 40:1223.3.

13 (3) "Minor" means an unemancipated child who is at least fifteen years of age
14 but less than eighteen years of age and who is not the parent of a minor child and
15 does not have full custody of a minor child.

16 (4) "Vaccination" means the act of introducing a biologic, vaccine,
17 pharmaceutical, drug, gene editing technology, RNA-based product, or DNA-based
18 product into the body, or any substance intended for use in humans to stimulate the
19 body's immune response against an infectious disease or pathogen.

1 B.(1) The National Childhood Vaccine Injury Act of 1986 (42 §300aa-10 et
2 seq.) requires, prior to the administration of a vaccine listed in the vaccine injury
3 table to a minor, that healthcare providers provide the vaccine information statement
4 from the Centers for Disease Control and Prevention to the parent, legal guardian,
5 or representative of the minor.

6 (2) The National Childhood Vaccine Injury Act of 1986 further provides that
7 vaccine manufacturers are not liable for harm to the patient or for the death of the
8 patient when caused by the vaccine, even if the harm or death was caused by the
9 manufacturer's negligence or the defective design of the vaccine.

10 (3) Additionally, if a healthcare provider is administering more than one
11 vaccine in a single visit, then no safety studies have been performed, before or after
12 approval of the vaccine, and no information has been provided on the combination
13 of vaccines the provider plans to administer for each vaccine being administered.

14 (4) For parents who are concerned about these potentially harmful
15 vaccination injuries, exemptions and right of conscience provisions are available to
16 families who choose to opt out of the vaccinations that school systems and
17 employers require to ensure that the minor may remain at his school or place of work
18 unvaccinated.

19 C.(1) In accordance with this Section, a healthcare provider shall not provide
20 a vaccination to a minor unless the healthcare provider receives prior written
21 informed consent in person from the parent, legal guardian, or representative of the
22 minor for the administration of each vaccine.

23 (2) The parent, legal guardian, or representative shall have the legal authority
24 to decline some or all vaccinations recommended or otherwise.

25 E. An employee or agent of this state shall not provide, request, or facilitate
26 the vaccination of a minor child who is in the custody of the state.

27 F. A violation of this Section is an unlawful practice and act as grounds for
28 a complaint to the healthcare provider's licensing authority to suspend, revoke, or

1 refuse the renewal of the healthcare provider's license or any other disciplinary
2 action in accordance with state law.

3 G. If the licensing authority of a healthcare provider receives information
4 regarding a violation of this Section by the healthcare provider, the licensing
5 authority shall conduct an immediate investigation and take appropriate disciplinary
6 action.

7 H. Notwithstanding any law to the contrary, the department shall promulgate
8 and adopt rules to effectuate the provisions of this Section in accordance with the
9 Administrative Procedures Act.

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 711 Original

2024 Regular Session

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Abstract: Requires parental consent before the administration of vaccinations to minors.

Proposed law defines "department", "healthcare provider", "minor", and "vaccination".

Proposed law provides that the National Childhood Vaccine Injury Act of 1986, prior to the administration of a vaccine listed in the vaccine injury table to a minor, requires healthcare providers to provide the vaccine information statement provided by the Centers for Disease Control and Prevention to a minor's parent, legal guardian, or representative.

Proposed law provides that the National Childhood Vaccine Injury Act of 1986 provides an exemption to vaccine manufacturers from being liable to harm caused to or death of a patient as a result of a vaccine.

Proposed law provides that if a healthcare provider is administering more than one vaccine in a single visit, no safety studies have been performed, before or after approval of the vaccine, on the combination of vaccines the provider plans to administer for each vaccine being administered.

Proposed law provides exemptions and right of conscience provisions to families who choose to opt out of the vaccinations that school systems and employers require to ensure that the minor may remain at his school or place of work unvaccinated.

Proposed law prohibits a healthcare provider from giving a vaccination to a minor, unless the provider receives prior written informed consent in person from the minor's parent, legal guardian, or representative.

Proposed law requires the minor's parent, legal guardian, or representative to have the legal authority to decline some or all vaccinations recommended or otherwise.

Proposed law provides that a violation of proposed law is deemed an unlawful practice and act as grounds to file a complaint with the healthcare provider's licensing authority.

Proposed law further requires the licensing authority of the offending healthcare provider to conduct an immediate investigation and take appropriate disciplinary action, if the licensing authority receives information regarding a violation.

Proposed law requires LDH to promulgate rules in accordance with the APA to carry out the provisions of proposed law.

(Adds R.S. 40:1079.4)