

ACT No. 352

HOUSE BILL NO. 1058

BY REPRESENTATIVES HARRISON, ADAMS, ARMES, BADON, BARROW, BERTHELOT, BILLIOT, STUART BISHOP, BROADWATER, BROSSETT, BROWN, BURFORD, HENRY BURNS, BURRELL, CARMODY, CARTER, CHAMPAGNE, CHANEY, CONNICK, COX, CROMER, DIXON, DOVE, EDWARDS, FOIL, GAINES, GISCLAIR, GUINN, HARRIS, HAVARD, HAZEL, HENRY, HILL, HODGES, HOFFMANN, HOWARD, HUNTER, KATRINA JACKSON, JEFFERSON, JOHNSON, JONES, KLECKLEY, TERRY LANDRY, LEBAS, LOPINTO, LORUSSO, MACK, MILLER, MONTOUCET, MORENO, JIM MORRIS, NORTON, PIERRE, PONTI, POPE, PRICE, PUGH, PYLANT, REYNOLDS, RITCHIE, SCHEXNAYDER, SCHRODER, SIMON, TALBOT, THIBAUT, THIERRY, THOMPSON, WHITNEY, PATRICK WILLIAMS, WILLMOTT, AND WOODRUFF AND SENATORS ALARIO, ALLAIN, APPEL, BROOME, CHABERT, CLAITOR, CORTEZ, DORSEY-COLOMB, ERDEY, JOHNS, LAFLEUR, LONG, MARTINY, MILLS, MORRELL, MORRISH, MURRAY, NEVERS, PEACOCK, PERRY, PETERSON, GARY SMITH, JOHN SMITH, TARVER, AND WHITE

1 AN ACT

2 To enact Part LXXV of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to
3 be comprised of R.S. 40:1300.381 through 1300.382, relative to public information
4 concerning Down syndrome; to provide for definitions; to require the Department
5 of Health and Hospitals to disseminate information regarding Down syndrome to
6 healthcare providers and to publish such information electronically; and to provide
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Part LXXV of Chapter 5 of Title 40 of the Louisiana Revised Statutes of
10 1950, comprised of R.S. 40:1300.381 through 1300.382, is hereby enacted to read as
11 follows:

12 PART LXXV. PUBLIC INFORMATION CONCERNING DOWN SYNDROME

13 §1300.381. Definitions

14 As used in this Part, the following terms have the meaning ascribed in this

15 Section:

16 (1) "Department" means the Department of Health and Hospitals.

1 (2) "Down syndrome" means a chromosomal condition caused by the
 2 presence of an extra whole or partial copy of chromosome 21.

3 (3) "Healthcare facility" means a facility, including but not limited to a
 4 hospital, or an office where a healthcare provider furnishes care to patients for health
 5 needs or medical conditions.

6 (4)(a) "Healthcare provider" means a person who is licensed, certified, or
 7 otherwise authorized by the laws of this state to provide health care or medical
 8 treatment in the ordinary course of business or practice of a profession.

9 (b) "Healthcare provider" includes a genetic counselor.

10 (5) "Hospital" means a facility that is duly licensed as a hospital in
 11 accordance with the provisions of the Hospital Licensing Law, R.S. 40:2100 et seq.
 12 §1300.382. Public information concerning Down syndrome

13 A. The department shall identify current, evidence-based, written
 14 information concerning Down syndrome that meets all of the following criteria:

15 (1) Has been reviewed by medical experts and national and local Down
 16 syndrome organizations.

17 (2) Is designed for use by an expectant parent who receives a prenatal test
 18 result for Down syndrome or a parent of a child who receives a diagnosis of Down
 19 syndrome.

20 (3) Does not engage in discrimination based on disability or genetic variation
 21 by explicitly or implicitly presenting pregnancy termination as a neutral or
 22 acceptable option when a prenatal test indicates a probability or diagnosis that the
 23 unborn child has Down syndrome or any other health condition.

24 (4) Is culturally and linguistically appropriate for potential recipients of the
 25 information and includes all of the following:

26 (a) Information addressing physical, developmental, educational, and
 27 psychosocial outcomes, life expectancy, clinical course, and intellectual and
 28 functional development and treatment options for individuals with Down syndrome.

1 **(b) Contact information for national and local Down syndrome education**
2 **and support programs and services, including information hotlines, resource centers,**
3 **and clearinghouses.**

4 **B. With respect to public information concerning Down syndrome, the**
5 **department shall do all of the following:**

6 **(1) Provide the information identified pursuant to Subsection A of this**
7 **Section to healthcare facilities and healthcare providers that furnish prenatal care,**
8 **postnatal care, or genetic counseling to expectant parents who receive a prenatal test**
9 **result for Down syndrome and parents of a child diagnosed with Down syndrome.**

10 **(2) Make available the information identified pursuant to Subsection A of**
11 **this Section on its Internet website.**

12 **C.(1) Upon receipt of a positive result from a test for Down syndrome, a**
13 **healthcare facility or healthcare provider shall provide to the expectant parent or the**
14 **parent of the child diagnosed with Down syndrome the written information provided**
15 **or made available by the department pursuant to Subsection B of this Section.**

16 **(2) All information provided pursuant to the provisions of this Section shall**
17 **be culturally and linguistically appropriate for the recipient of the information, and**
18 **shall not engage in discrimination based on disability or genetic variation by**
19 **explicitly or implicitly presenting pregnancy termination as a neutral or acceptable**
20 **option when a prenatal test indicates a probability or diagnosis that the unborn child**
21 **has Down syndrome or any other health condition.**

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____