

2021 Regular Session

SENATE BILL NO. 104

BY SENATOR FESI

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CHILDREN. Provides relative to gender therapy and minors. (8/1/21)

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AN ACT

To enact R.S. 40:1079.4, relative to minors and medical and therapeutic procedures and practices; to provide relative to gender therapy; to provide relative to consent; to prohibit consent by a minor to gender therapy; to require parental or other consent under certain circumstances; to provide certain definitions, terms, procedures, conditions, requirements, prohibitions, and effects; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

**1079.4. Minors; gender therapy; consent requirements; prohibitions**

**A. No consent executed by a minor to receive gender therapy in this state shall be valid or binding.**

**B. The providing of gender therapy in this state to a minor shall require prior informed written consent executed as follows:**

**(1) By the remaining parent if the other parent is dead, unknown, interdicted, found by a court to be mentally incompetent, or has had their parental rights involuntarily terminated pursuant to Children's Code Art. 1015.**

1           **(2) If Paragraph (1) of this Subsection is inapplicable by both parents of**  
2           **the minor. However, if the parents disagree and custody of the minor has been**  
3           **awarded by court judgment to one or both parents, either parent may petition**  
4           **the court for an order approving or rejecting consent in the best interest of the**  
5           **minor. The motion shall be set for contradictory hearing with the other parent**  
6           **and the hearing may be closed to the public. If the court approves consent to the**  
7           **gender therapy, the informed written consent shall be executed by the**  
8           **consenting parent and a copy of the order attached.**

9           **(3) If no parent has parental authority, by the caretaker of the minor**  
10           **after approval of the court has been obtained.**

11           **C. The providing of gender therapy in this state to a minor without the**  
12           **consent required by this Section is prohibited, and shall subject the provider to**  
13           **civil and regulatory liability and sanctions provided by law for unauthorized**  
14           **practice.**

15           **D. For the purposes of this Section:**

16           **(1) "Caretaker" means a person other than a parent who is legally**  
17           **obligated to provide or secure adequate care for a minor, including a tutor,**  
18           **guardian, or legal custodian. It shall include an ascendant awarded custody.**

19           **(2) "Gender therapy" means:**

20           **(a) Counseling or psychotherapy treatment founded on the position that,**  
21           **regardless of a person possessing physical attributes of a certain gender at birth,**  
22           **no gender identity, expression, or experience by that person is any more valid**  
23           **than any other.**

24           **(b) Nonsurgical and surgical procedures for gender dysphoria such as**  
25           **hormone treatments and gender-related surgery.**

26           **(3) "Minor" means a person below the age of eighteen years who has not**  
27           **been fully emancipated.**

28           **(4) "Provider" includes a physician, psychologist, psychiatrist, therapist,**  
29           **counselor, or other physical or mental health care provider in this state.**

