

## **2025 Legislative Update**

### **Thomas Pressly IV**

#### **State Senator / Pettiette Armand Dunkelman Woodley & Cromwell**

The 2025 Regular Session was a fiscal session, meaning that legislators are limited to introducing no more than 5 non-fiscal bills. 696 House bills were introduced. 348 Senate Bills were introduced. 516 Acts made it through the legislative process, including 6 proposed constitutional amendments (5 on the ballot in the spring of 2026 and 1 on the ballot on November 3, 2026).

#### **CIVIL CODE AND RELATED CHANGES**

- SB 35 (Act 27) by Ed Price / Law Institute
  - Revises and clarifies section of Civil Code governing rights of passage (Arts. 689-696) for owner of estate without access to public road and moves provisions about gaining access to necessary utilities out of Civil Code and into Civil Code Ancillaries as La. R. S. 9:1281 through 9:1289
- SB 49 (Act 30) by Greg Miller / Law Institute
  - amends Civil Code and Code of Civil Procedure articles relative to form requirements for olographic and notarial testaments; amends Civil Code Art. 1575 relative to olographic testaments, with extensive Law Institute comments, generally to relax some of the requirements;
  - specifically, though such a testament still must be "entirely written, dated and signed in the handwriting of the testator," the signature may appear anywhere in the testament and is sufficient if it identifies the testator and shows an intent to adopt the document as a testament; the date may also appear anywhere in the testament, may be clarified by extrinsic evidence and "is sufficient if it resolves those controversies for which the date is relevant";

- additions and deletions made after execution of testament may be given effect if made by hand of testator and need not comply with formalities for execution of a will or revocation of a legacy;
- amends Civil Code Art. 1576 relative to Lial testaments, again with extensive Law Institute comments, also generally to relax some of the re requirements specifically, the revision eliminates the "attestation clause" as a condition for validity, though if it is used, the will is self-proving; the signature and date requirements are the same as for olographic wills (above);
- amends Code of Civil Procedure Art. 2887 to provide that a notarial will with an attestation clause is self-proving and to provide a method of proof if it does not contain an attestation clause; provisions of act "shall apply both prospectively and retroactively."
- SB 93 (Act 39) by Eddie Lambert / Law Institute
  - enacts Civil Code Art. 1519.1, with extensive Law Institute comments, relative to penalty clauses (sometimes called no-contest clauses or in terrorem clauses) in donations inter vivos or mortis causa, to provide that a provision that purports to penalize a person for filing challenge to such donations or other actions related to a succession or trusts is unenforceable if, at lime of instituting the challenge, a factual basis existed that would lead reasonable person to conclude there is a substantial likelihood that challenge would succeed
- HB 181 (Act 488) by Jeff Wiley / Law Institute

- amends a number of articles of Civil Code; most changes are stylistic only and others involve extensive amendments to Article 3506, which has for years contained "definitions" that are in some instances obsolete;
- there are extensive Law Institute comments

#### CODE OF CIVIL PROCEDURE AND RELATED CHANGES

- SB 67 (Act 34) by Franklin Foil / Law Institute
  - amends various articles of Code of Civil Procedure (without Law Institute comments) to provide for ex parte probate of testaments unless there is a filed objection;
  - includes succession proceedings in those matters as to which a litigant may proceed in forma pauperis
- HB304 (Act 179) by Robert Carter
  - amends La. R. S. 30:1108(C), relative to expropriation under the Louisiana Geologic Sequestration of Carbon Dioxide Act to provide mandatory exclusive venue for expropriation hearings in parish in which property subject to expropriation is situated
- HB 178 (Act 250) by Rep. Mike Johnson /Law Institute
  - act resulting from continuous revision of Code of Civil Procedure by Law Institute, amending numerous articles and repealing others;
  - highlights:
    - ends Art. 927 to permit peremptory exception of partial no cause of action; repeals Article 1915 (B) which since 1997 has permitted appeal of certain interlocutory judgments upon designation of trial judge (similar to Rule 54(b) of Federal Rules)

- amends Art. 5059 relative to computation of time periods, to clarify that the date of the act, event or default from which a period begins to run is not counted but the last day of the period is, unless it is a legal holiday, and then the next day that is not a legal holiday is the end of the period;
- amends Civil Code Art. 3462 to provide that if action is commenced in competent court of improper venue, prescription is suspended for seven days as to defendant not served by process within prescriptive period;
- amends Art. 1551 to clarify that conferences with court may occur in chamber, by telephone or by video teleconference;
- amends Arts. 1811, 1914, and 1974 to specify that time period for post-judgment motions may begin from “delivery in open court” of judgment & to be recorded in record

#### TORT REFORM

- HB 431 (Act 15) by Emily Chenevert
  - Amends Art. 2323 of Civil Code to establish modified comparative fault system under which a person suffering injury “shall not be entitled to recover damages” if that person’s percentage of fault is 51% or greater, if percentage is 50% or less, recovery is reduced by that percentage;
  - jury is to be instructed on effect of amended article;
  - act “shall become effective on January 1, 2026
- HB 434 (Act 16) - Jason Dewitt –

- amends LA. R.S. 32:866 to increase level of “no pay, no play” effect on motorist without required minimum liability insurance, from \$15,000 to \$100,000 as to bodily injury and from \$25,000 to \$100,000 as to property damage;
- if award to such person is less than \$100,000, all court costs are assessed to that person;
- no special effective date and no changes in minimum liability coverage required.
- HB 436 (Act 17) - Gabe Firment
  - adds Art. 2315.12 to Civil Code to provide that no general damages or past or future wage loss award may be made in action arising from automobile accident to an "unauthorized" alien as defined by federal law
  - provision does not apply to claim made against UM policy which names unauthorized alien as an insured
- HB 450 (Act 18) – Michael Melerine
  - adds Art. 306.1 to Code of Evidence to "overrule" the "presumption" derived from *Housely v. Cerise*, 579 So.2d 973 (La. 1991) relative to the cause of injury, to provide that in personal injury claims other than workers' compensation,
  - "the lack of a prior history of an illness, injury, or condition shall not create presumption that an illness, injury or condition was caused by the act that is the subject of the claim”;
  - eff. May 28, 2025 with “prospective application only”
- SB 231 (Act 466) by Mike Reese
  - amends La. R.S.,9:2800.27 relative to the collateral source rule to replace present "40% rule with provision in cases where claimant’s medical expense have been paid

in whole or in part by health insurer Medicare or Medicaid that claimant's recovery of those expenses is limited to amount actually paid to the health care provider and any cost sharing amounts paid or owed by the claimant,” and not the amount “billed”; same limitation (to fee schedule of workers’ compensation act) for medical expenses paid under that act;

- in trial, trier of fact “shall be informed of the amounts billed and amounts actually paid for medical expenses” incurred by claimant;
- same limitation when there has been a “pre-negotiated agreement” with medical provider by claimant’s attorney to accept amount less than billed;
- amendment does not apply to benefits received under ”med pay” portion of automobile liability insurance (eff. January 1, 2026, prospective only and not applicable to actions filed before January 1, 2026)

#### HOMEOWNERS INSURANCE

- HB 356 (Act 480) by Jacob Braud
  - adds La. R. S. 22:1346.1 through 22:1346.6 to Insurance Code, to enact the Stated Value Policy Act, permitting homeowners and insurers to agree to insure residential property at a stated value less than the market value;
  - if property is mortgaged, stated value cannot be less than loan balance secured by mortgage;
  - if property is not mortgaged, agreed amount can be any value; prominent notice required on policy with disclosure of risks (eff. June 30, 2025)
- HB 437 (Act 500) by Gabe Firment

- amends La. R. S. 22:1892, relative to insurer penalties, to make certain minor changes but also to provide an optional statutory "proof of loss statement" that insurers can require claimants to complete as a part of their claim

## MARIJUANA

- HB 627 by Rep. Candance Newell (D – New Orleans): Marijuana
  - HB 627 creates a pilot program for the use of cannabis by adult users in the state of Louisiana. The pilot program gives the opportunity to assess the possibility of a potential permanent program.
  - HB 627 includes provisions describing the role of retail permit holders authorized to sell marijuana in the pilot program.
  - This bill died in the House Committee on Administration of Criminal Justice.
- HB 657 by Rep. Neil Riser (R – Columbia): Marijuana
  - HB 657 requires that each of the ten retail permit holders authorized to sell marijuana for therapeutic use pay an annual fee of \$22,500 to the Louisiana Department of Health.
  - Act 513 is effective August 1, 2025.

## BEHAVIORAL HEALTH

- HB 118 by Rep. Peter Egan (R – Covington): Behavioral Health
  - HB 118 removes a requirement in St. Tammany Parish that an initial examination, conducted prior to issuing an emergency certificate, be executed by a psychiatrist, a psychiatric mental health nurse practitioner, or a psychologist.
  - Act 61 is effective August 1st, 2025.
- HB 137 by Rep. Josh Carlson (R – Lafayette): Behavioral Health

- HB 137 authorizes psychologists and medical psychologists to evaluate patients via telehealth when issuing PECs.
- Act 148 is effective August 1st, 2025.
- SB 42 by Sen. Larry Shelders (D – Baton Rouge): Behavioral Health
  - SB 42 prohibits Medicaid and commercial health plans from denying coverage for voluntary inpatient treatment or a patient with a perinatal psychiatric diagnosis when such care is consistent with InterQual or Milliman guidelines.
  - Act 410 bill is effective August 1st, 2025.
- SB 96 by Sen. Patrick McMath (R – Covington): Behavioral Health
  - SB 96 requires Medicaid to provide coverage and reimburse providers for mental health partial hospitalization programs provided at a licenses freestanding inpatient psychiatric hospital. As originally introduced, the legislation would have also required payment for intensive outpatient programs, but this requirement was removed in order to advance the legislation out of the House Appropriations Committee, which had concerns over the cost of such programs.
  - Act 417 is effective July 1st, 2025.
- SB 120 by Sen. Larry Seldors (D – Baton Rouge): Behavioral Health
  - SB 120 allows a PEC to be issued when an individual meets the existing PEC criteria but is otherwise unwilling to seek voluntary admission upon arrival at the treating facility. Under prior law, an individual who was willing to seek voluntary admission did not meet the PEC criteria.
  - Act 421 is effective August 1st, 2025.



## DENTISTRY

- HB 340 by Rep. Candace Newell (D – New Orleans): Dentistry
  - HB 340 would have changed the domicile of the Louisiana State Board of Dentistry from East Baton Rouge Parish to Orleans.
  - This bill was **vetoed** by the governor on June 20th, 2025. In the Veto Message, Governor Landry stated the change was “unnecessary and counterproductive” to the Board’s mission of serving the entire state.
- HB 543 by Rep. Wayne McMahan (R – Minden): Dental Care
  - HB 543 adopts the Interstate Dental and Dental Hygiene Licensure Compact.
  - Louisiana is the **first** state to join the Interstate Dental Compact. Joining the compact streamlines the process for dentists and dental hygienists to practice across state lines.
  - Act 312 is effective August 1st, 2025.

## GENERAL HEALTH

- HB 125 by Rep. Dodie Horton (R - Haughton): General Health
  - HB 125 enacts the “Louisiana Human Genomic Security Act of 2025” and prohibits medical and research facilities from putting into service any new human genomic sequencer that is produced in a country defined in the legislation as a “foreign adversary.”
  - Act 244 is effective June 11th, 2025.
- SB 14 by Sen. Patrick McMath (R – Covington): General Health
  - SB 14 prohibits schools from serving any food or beverage containing a prohibited ingredient listed in the legislation, beginning in the 2028-2029 school year.

- SB 14 requires food manufacturers to add certain notices to the food's labeling if it contains a prohibited ingredient listed in the legislation, beginning January 1, 2028
- SB 14 requires a food service establishment to display on its menu whether it uses seed oils in the preparation of menu items, beginning June 20, 2025.
- SB 14 requires physicians to obtain one hour of continuing medical education every four years related to nutrition, beginning January 1, 2026.
- Act 463 is effective June 20, 2025.
- 

#### HEALTHCARE PROVIDERS

- HB 159 by Rep. Joseph Stagni (R – Kenner): Healthcare Providers
  - HB 159 increases the number of physical therapy supportive personnel who can be supervised by a physical therapist (PT) from five to six individuals, eliminates required patient care conferences, extends the reassessment timeframe, and repeals the written discharge summary requirement.
  - Act 65 is effective August 1, 2025.
- HB 423 by Rep. Jeremy LaCombe (R – Livonia): Healthcare Providers
  - HB 423 strengthens the existing requirements for advertising using the term “Doctor” or “Dr.” to include rules promulgated by the licensing board for the provider's profession or occupation.
  - HB 423 requires healthcare professionals to display proper licensure in any advertisement, whether in print, electronic, or on social media.
  - Act 362 is effective August 1, 2025.

## HOSPITALS

- HB 314 by Rep. Dustin Miller (D – Opelousas): Hospitals
  - HB 314 repeals a current exemption for certain Level III birthing units from the requirement of having anesthesia services onsite 24/7.
  - Act 77 is effective January 1, 2026.
- HB 531 by Rep. Travis Johnson (D – Vidalia): Hospital Requirements with Forensic Medical Exams
  - HB 531 requires all hospitals to provide information about the ability to receive a sexual assault examination.
  - HB 531 also requires the Louisiana Legislative Auditor to conduct a comprehensive audit of the services available to survivors of sexual assault across Louisiana.
  - Act 289 is effective August 1st, 2025.

## MATERNAL HEALTH

- SB 174 by Sen. Katrina Jackson-Andrews (D – Monroe): Maternal Health
  - SB 174 strengthens the screening requirements for pregnant women. Specifically, the legislation requires healthcare providers who provide routine prenatal care to test for HIV, syphilis, chlamydia, and gonorrhea at the first prenatal visit.
  - SB 174 requires healthcare providers to test for HIV and syphilis at the time of delivery.
  - SB 174 requires every licensed healthcare provider who provides prenatal care to a pregnant woman to screen her for substance use disorder during the first trimester of pregnancy or at the time of first examination after confirming

pregnancy, if the provider utilizing his professional medical judgment believes that the screening would be in the best interest of the patient and such screening has not already occurred.

- Act 174 is effective June 20, 2025.
- SB 156 by Sen. Thomas Pressly (R – Shreveport): In Vitro Fertilization
  - SB 156 changes how the state treats embryos created through in vitro fertilization by establishing legal protection and reshaping how IVF is regulated.
  - The law provides clearer guidelines while protecting embryos under state law, without creating conflicts with criminal statutes or overextending legal personhood.
  - Act 116 is effective August 1, 2025.

#### MEDICAID

- HB 454 by Rep. Dustin Miller (D – St. Landry): Medicaid
  - HB 454 requires Medicaid coverage for certain doula services.
  - Act 228 is effective August 1st, 2025.
- HB 456 by Rep. Chris Turner (R – Ruston): Medicaid
  - HB 456 makes several changes to the Local Healthcare Provider Participation Program (LHPP). Specifically, the legislation creates a pathway for parishes with fewer than two hospitals to join with one or more contiguous parishes and creates a multi-parish funding district.
  - HB 456 also removes the current requirement that local assessments be uniform and increases the amount the local governments may retain for performing administrative functions.

- Act 196 is effective June 8th, 2025.
- HB 565 by Rep. Annie Spell (R – Lafayette): Medicaid
  - HB 565 prohibits Medicaid managed care plans from “amending, modifying, or changing in any manner a claim submitted by a healthcare provider or adjusting, downcoding, or paying a claim at a lower level of service than what was submitted by the healthcare provider.”
  - HB 565 also requires Medicaid managed care plans to provide information about potential third-party liability to the Louisiana Department of Health prior to denying or recouping a provider claim. The law requires that the information be standardized and available to the provider through the Medicaid eligibility verification system. Violations can result in potential fines for the Medicaid managed care plans of not less than \$25,000.
  - Act 293 is effective June 11, 2025.
- HB 595 by Rep. Tammy Phelps (D – Shreveport): Medicaid
  - HB 595 extends Medicaid coverage through the TEFRA option. A child may be eligible for the TEFRA option if, within the last twelve months, he presents for emergency care in a hospital more frequently than once per month and the use of the hospital is medically necessary to stabilize sickle cell anemia.
  - Act 294 is effective August 1st, 2025.
- SB 70 by Sen. Brach Myers (R – Lafayette): Medicaid
  - SB 70 expands the criteria for patients to qualify for remote patient monitoring to include pregnant and postpartum women and infants who have been discharged from a hospital after requiring neonatal intensive care.

- Act 322 is effective June 11th, 2025.
- SB 130 by Sen. Heather Cloud (R – Turkey Creek): Medicaid
  - SB 130 makes changes to the processes and procedures used by the Louisiana Department of Health to conduct eligibility determinations for the Medicaid program. The legislation prohibits the state from using eligibility determinations made by the federal marketplace exchange or from relying solely on ex-parte renewals.
  - SB 130 also authorizes the Louisiana Department of Health to utilize an enhanced income verification platform to verify eligibility if the platform meets certain criteria outlined in the legislation.
  - SB 130 also requires the Louisiana Department of Health to enter into data matching agreements with other state and federal agencies to assist in making eligibility determinations.
  - Act 427 is effective June 20, 2025.
- SB 182 by Sen. Kirk Talbot (R – River Ridge): Medicaid
  - SB 182 authorizes the Louisiana Department of Health to suspend utilization management requirements during a state of declared emergency.
  - SB 182 also requires Medicaid managed care organizations, pharmacy benefit managers, or entities responsible for fee-for-service claims processing to reimburse providers for medically necessary drugs, service, equipment, supplies, and therapies provided to Medicaid recipients during the emergency without requiring prior authorization.
  - Act 440 is effective August 1st, 2025.

## MEDICAL MALPRACTICE

- SB 134 by Sen. Thomas Pressly (R – Shreveport): Medical Malpractice
  - SB 134 strengthens the Louisiana Medical Malpractice Act by clarifying the definition of “healthcare,” “healthcare provider,” and “malpractice.”
  - SB 134 provides the legislation clarity under current law that the application of the Medical Malpractice Act also applied to “all acts associated with the medical treatment of an individual, whether directly related to clinical care or performed in an administrative or managerial capacity necessary for the delivery of such care.”
  - Act 342 is effective August 1, 2025.

## OTHER HEALTHCARE LEGISLATION

- HB 355 by Rep. Aimee Freeman (D – New Orleans): Exception to Post-Employment Restrictions
  - HB 355 removes certain state post-employment restrictions for sexual assault nurse examiners (SANE).
  - HB 355 allows retired SANE nurses to continue to provide services without impacting their state retirement.
  - Act 184 is effective August 1, 2025.
- HB 359 by Rep. Dustin Miller (D – St. Landry): Human Trafficking Task Force
  - HB 359 creates the Human Trafficking in Emergency Departments Task Force to develop a uniform protocol on human trafficking to educate healthcare professionals on the signs of human trafficking.

- HB 359 directs the task force to assess hospital emergency department knowledge the signs of human trafficking including but not limited to the red dot process to silently signal to hospital personnel that a survivor of human trafficking requests to receive care and protection.
  - Act 267 is effective August 1st, 2025.
- HB 399 by Rep. Emily Chenevert (R – Baton Rouge): Background Checks for Board of Examiners in Dietetics and Nutrition
  - HB 399 would have required the Louisiana State Board of Examiners in Dietetics and Nutrition to obtain criminal background checks of applicants for licensure with the board.
  - HB 399 would have adopted the Dietitian Licensure Compact to facilitate the interstate practice of dietetics with the goal of improving public access to dietetics services.
  - This bill was **vetoed** by the governor on June 20th, 2025. In his Veto Message,
  - Governor Landry stated HB 399 would “undermine Louisiana’s ability to govern its own licensing system, positing serious risks to privacy, transparency, and fiscal responsibility.”
- HB 541 by Rep. Stephanie Hilferty (R – New Orleans): Caregiving Services
  - HB 541 establishes a registry for individuals and entities that provide caregiving services for individuals seeking caregivers. “Caregiver” is defined as a registered nurse, licensed practical nurse, certified nursing assistant, personal care attendant, direct service worker, home health aide, companion, or homemaker.



- HB 541 requires a background check from the healthcare providers listed on the registry.
- Act 507 is effective August 1, 2025.
- HB 617 by Rep. Kim Carver (R – Mandeville): Department of Children and Family Services
  - HB 617 reorganizes the Department of Children and Family Services. The Department will henceforth be under the supervision of an executive secretary appointed by the governor.
  - HB 617 states that the office of the executive secretary shall include a bureau of audit, bureau of general counsel, and a bureau of communications and governmental affairs.
  - Act 477 will become effective only if HB 624 of the 2025 Regular Session is enacted. If it is, then Sections 1 – 9 and 11 – 18 will become effective on October 1, 2027, and Section 10 will become effective on October 1, 2025.
  - Note: HB 624 (now Act 478) transferred certain family and support programs from the Department of Children and Family Services to the Louisiana Workforce Commission and renamed Louisiana Workforce Commission to Louisiana Works.
- HB 690 by Rep. Charles Owen (R – Rosepine): Emergency Use Authorization
  - HB 690 tasks the Surgeon General to create rules in accordance with the Administrative Procedure Act for the administration of medical activities under Emergency Use Authorization by all members of the healthcare community in Louisiana.

- HB 690 will set procedures for the administration of EUA-authorized products and includes mandatory reporting to the Louisiana Department of Health and, when needed, federal authorities.
- Act 396 is effective June 20th, 2025.
- SB 19 by Sen. Mike Fesi (R – Houma): Prescription Drugs
  - SB 19 authorizes a pharmacist to dispense Ivermectin to any person who is eighteen years of age or older pursuant to a standing order issued by the Louisiana Department of Health.
  - SB 19 requires the Louisiana Department of Health to promulgate rules that require patients to be provided with a screening risk assessment tool and information on the indications and contra indications on the use of Ivermectin along with any additional information considered appropriate by the department.
  - SB 19 allows the pharmacy to charge an administrative fee in addition to the ingredient cost and dispensing fees. Pharmacists acting in good faith and with reasonable care are immunity from civil liability in the absence of gross negligence or willful misconduct.
  - Act 464 is effective June 20, 2025.
- SB 129 by Rep. Thomas Pressly (R – Shreveport): Insurance
  - SB 129 requires health insurance insurers to cover proton therapy or proton beam therapy for the treatment of cancer as recommended by the American Society for Radiation Oncology practice guidelines.
  - Act 112 is effective August 1, 2025.

## OTHER LEGISLATION OF NOTE

- HB 63 (Act 219) by Kyle Green —
  - proposes amendment to Art. V, Section 23(B) of Louisiana Constitution to increase mandatory retirement age for judges from 70 to 75;
  - judge who reached 75 in office cannot run for another term but can finish term for which elected; on ball April 18, 2026
- HB 273 (Act 172) by Annie Spell
  - adds La. R. S. 49:170.25 to provide that 'Cajun Night Before Christmas' is the official state children's Christmas book

