

Any DHH records that were compiled pursuant to a public health investigation is exempt from disclosure in accordance with L.R.S. 40:3.1 :
<http://www.legis.state.la.us/lss/lss.asp?doc=98361>

**TITLE 40
PUBLIC HEALTH AND SAFETY
CHAPTER 1. DIVISION OF HEALTH AND HEALTH OFFICERS
PART I. STATE DIVISION OF HEALTH**

§3.1. Confidentiality of public health investigations; prohibited disclosure and discovery; civil penalties

A. All records of interviews, questionnaires, reports, statements, notes, and memoranda procured by and prepared by employees or agents of the office of public health or by any other person, agency, or organization acting jointly with that office, including public or private colleges and universities, in connection with special morbidity and mortality studies and research investigations to determine any cause or condition of health, and any documents, records, or other information produced or given to the state health officer in response to a court order issued pursuant to R.S. 40:8, hereinafter referred to as "confidential data", are confidential and shall be used solely for statistical, scientific, and medical research purposes relating to the cause or condition of health, or for the purposes of furthering an investigation pursuant to R.S. 40:8, except as otherwise provided in this Section.

B. All confidential data shall be made available to the state health officer when necessary for the purpose of controlling nuisances dangerous to the public health, including but not limited to communicable, contagious, and infectious diseases, as well as illnesses, diseases, and genetic disorders or abnormalities.

C. The office of public health shall promulgate rules and regulations in accordance with the Administrative Procedure Act to specify the extent to which confidential data may be disclosed to other local, state, or federal public health or environmental agencies, or to corroborating medical researchers, when the confidential information is necessary to carry out the duties of the agency or researcher in the investigation, control, or surveillance of disease, as determined by the office of public health.

D. Any disclosure authorized by Subsection C above shall include only the information necessary for the stated purpose of the requested disclosure, and shall be made only upon written agreement that the information will be kept confidential and will not be further disclosed without written authorization of the office of public health.

E. The furnishing of confidential data in accordance with this Section, including the furnishing or production of documents, records, or other information in good faith in compliance with a court order issued pursuant to R.S. 40:8, shall not expose any person, agency, or entity furnishing data to liability and shall not be considered to be the violation of any privileged or confidential relationship.

F. No part of the confidential data in the possession of the office of public health or the state health officer shall be available for subpoena nor shall it be disclosed, discoverable, or compelled to be produced in any civil, criminal, administrative, or other proceeding, nor shall such records be deemed admissible as evidence in any civil, criminal, administrative, or other tribunal or court for any reason.

G. Any person who intentionally discloses the content of any confidential data to any third party, except as authorized in this Section, shall be subject to a civil penalty in an amount not less than one thousand dollars and not more than five thousand dollars plus court costs, which shall be paid to the person whose record was unlawfully disclosed. Nothing in this Section shall prevent a person damaged by an unauthorized intentional disclosure from collecting civil damages to the extent of any actual damages suffered because of such a disclosure.

H. Nothing in this Section shall prohibit the publishing by the office of public health of statistical compilations relating to morbidity and mortality studies which do not identify individual cases and sources of information or religious affiliations.

Acts 1990, No. 59, § 1, eff. July 26, 1990; Acts 1999, No. 667, § 1.

§4. Sanitary Code

A. The state health officer acting through the office of public health of the Department of Health and Hospitals shall prepare, promulgate, and enforce rules and regulations embodied within the state's Sanitary Code covering all matters within his jurisdiction as defined and set forth in R.S. 40:5. The promulgation of this Sanitary Code shall be accomplished in strict accordance with the provisions of the Administrative Procedure Act, and further, in conformity with the following guidelines and directives:

(1)(a) In order to protect the consuming public against food-borne disease, the rules and regulations contained in the Sanitary Code shall be designed so as to provide and require that all food products, including milk and milk products, ice, bottled water, marine and freshwater seafood, animal products, frozen desserts and toppings, and related similar foods, are produced from a safe and sanitary source, and are prepared, processed, packaged, handled, stored, and transported in a sanitary manner which will prevent contamination, spoilage, or adulteration. These food product rules and regulations shall be further designed so as to provide that all facilities, material, and equipment that may come into direct contact with any food or food product must be of nontoxic content to insure a sanitary, wholesome, and nutritious product.

(b) Pending the availability of federal funds to implement this Subparagraph, the inspection of seafood conducted pursuant to the Sanitary Code and pursuant to the Department of Agriculture and Forestry's Seafood Inspection Program shall include a recommendation for testing of the environment, including the water source, to the appropriate agency, only when evidence of contamination, adulteration, or spoilage or of any other condition or substance which is or may be injurious to health of humans or animals is indicated. The department shall adopt rules as part of the Sanitary Code and the Department of Agriculture and Forestry shall adopt rules as part of the Seafood Inspection Program.

(2) In order to prevent the occurrence or spread of communicable diseases, the rules and regulations of the Sanitary Code shall provide for an immunization program and provide for and require the reporting, investigation, and application and implementation of appropriate control measures to expressly include isolation and/or quarantine proceedings and measures, for all communicable diseases of public health significance. These rules and regulations shall also be designed to:

(a) Control rabies in dogs and to prevent rabies from occurring in humans. However, nothing in the immunization programs shall authorize the state health officer or the department to overrule the limitations in either R.S. 40:5.2, or in R.S. 17:170(E).

(b) Regulate the packaging, storage, treatment, and transportation of infectious waste generated by health care providers and noncommercial generators including but not limited to private households. "Infectious waste" means waste which contains pathogens with sufficient virulence and quantity so that exposure to the waste by a susceptible host could result in an infectious disease. Regulation shall also include the issuance of permits for the commercial transportation, packaging, storage, and treatment of infectious waste. The state health officer shall establish a reasonable fee schedule for issuance of permits to entities in the business of transporting, packaging, storing, or treating infectious waste for commercial purposes.

(c) Control the spread of tuberculosis by:

(i) Requiring that persons who are students in the health care professions, or volunteers helping in the caring of patients in health care institutions be free of tuberculosis in a communicable state as evidenced by a negative tuberculin skin test, a normal chest X-ray if the skin test is positive, or a statement from a Louisiana licensed physician that the person is noninfectious to others if the chest X-ray is other than normal. If the student or volunteer has a positive tuberculin skin test, or a chest X-ray other than normal, the student or volunteer shall complete a course of chemotherapy for tuberculosis prescribed by a Louisiana licensed physician, or present a signed statement from a Louisiana licensed physician stating that chemotherapy is not indicated. If the student or volunteer is known to be infected with the human immunodeficiency virus (HIV) or has acquired immunodeficiency syndrome (AIDS), he or she shall be required to have a chest X-ray in addition to a skin test for tuberculosis. If the chest X-ray is interpreted as showing any disease, then the student or volunteer will complete a course of chemotherapy for tuberculosis as prescribed by a Louisiana licensed physician or present a signed statement from a Louisiana licensed physician that a course of chemotherapy for tuberculosis is not indicated. In any case, the student or volunteer shall not be denied access to an institutional learning experience or work solely on the basis of being infected with tuberculosis, provided the infection is not communicable.

(ii) Requiring the use of isolation rooms for persons with tuberculosis in a communicable state who are cared for in hospitals or nursing homes, proper air handling in those rooms, and the use of proper masks for all applicable persons, patients, and staff to prevent the spread of infectious respiratory droplets.

- (iii) Requiring proper air handling and the use of proper masks to prevent the spread of infectious respiratory droplets in and from aerosol therapy rooms in any institution.
 - (iv) Requiring any person entering any Louisiana prison as an inmate for forty-eight hours or more to be screened for tuberculosis in a communicable state.
 - (v) Requiring any person entering any Louisiana jail as an inmate for fourteen days or more to be screened for tuberculosis in a communicable state, where funding is available.
 - (vi) Requiring all persons with acquired immunodeficiency syndrome (AIDS) or known to be infected with human immunodeficiency virus (HIV), in the process of receiving medical treatment related to such condition, be screened for tuberculosis in a communicable state.
 - (vii)(aa) Requiring the isolation and/or quarantine for directly observed therapy (medication taken in the presence of a health care provider) of any person with tuberculosis in a communicable state who has failed to comply with a daily self-administered course of chemotherapy for tuberculosis prescribed by a Louisiana licensed physician.
 - (bb) Requiring a more restrictive isolation and/or quarantine environment specified by the state health officer or by court order for any person who fails to comply with directly observed therapy under isolation and/or quarantine as provided in Subitem (aa) of this Item.
 - (cc) Requiring that any person who fails to comply with the more restrictive isolation and/or quarantine environment as provided in Subitem (bb) of this Item shall be considered to have violated the provisions of the state Sanitary Code and be subject to the provisions of R.S. 40:6(B).
- (3)(a) The sanitary code shall provide rules and regulations governing burial, transportation, disinterment, or other permitted disposition of dead human remains, to include regulations defining approved methodology that will insure sanitary and dignified disposal.
- (b) In order to protect the public from disease associated with the handling of dead human remains, the state health officer, acting through the office of preventive and public health services, shall prepare and promulgate all rules necessary to insure that all hospitals will identify corpses that are infected with a contagious disease, when there is actual knowledge of such infection, and report such to embalmers and funeral directors who handle the corpses for interment or cremation. The state health officer shall prepare a list of contagious diseases and such list shall be added to or deleted from as circumstances warrant.
- (4) The state's sanitary code shall include rules governing the construction, operation, and maintenance of camps and campsites or parks used for house courts, tent camps, trailer camps, and similar premises used for living and recreational purposes.
- (5) The state's sanitary code shall contain rules and regulations governing facilities and premises used for lodging for hire such as hotels, motels, lodging, and boarding houses.
- (6) In order to protect the public against disease and nuisance resulting from the improper disposal of sanitary sewage, the state health officer shall prepare and promulgate all rules and regulations necessary to insure that adequate conveyance and disposal facilities are provided for all sanitary sewage, private or public, and in such a manner that will prevent the contamination of surroundings which would have an adverse impact on drinking water supplies, recreational waters, aquatic life, and other mechanisms of human exposure to disease. Standards for the quality of sanitary sewage discharged to the ground surface (ditches, streams, water pools, or other drainage courses), construction of sewerage works, operation of sanitary sewage conveyance, and treatment and disposal facilities shall be included. Plans and specifications for sewerage works shall be submitted for review and approval to the state health officer or his designee.
- (7) In order to protect the public from disease and safety hazards associated with public and private building plumbing systems, including sewer gas intrusion into buildings with the potential of asphyxiation, and other health hazards and contamination of water supplies by sewage, toxic chemicals, or other similar matter, via "cross connections" and "back siphonage", the state health officer shall prepare and promulgate all rules and regulations necessary to assure safe building plumbing systems. These rules and regulations shall include, but not be limited to, the building water supply piping system, the building drain system, and the building mechanical piping system. Under this authority, a building refers to any structure built, erected, and framed of component structural parts designed for the housing, shelter, enclosure, or support of persons, animals, or property of any kind.
- (8)(a) In order to protect the public against disease from water supplied for drinking, culinary, and ablutionary purposes, the state health officer shall prepare and promulgate all rules and regulations necessary to insure that water supplied to the public by public water supplies is obtained from safe and sanitary sources and that such sources are properly protected; is treated, stored, and conveyed in a safe and sanitary manner; and is safe and potable for human use. Standards for drinking water quality (chemical, radiological, and microbiological); water works construction; and water works operations shall be included. In order to assure compliance with promulgated regulations, plans,

and specifications for public water works facilities shall be submitted to the state health officer or his designee for review and approval.

(b) The state health officer shall additionally prepare and promulgate rules and regulations necessary to develop and implement a capacity development strategy to assist public water systems to acquire and maintain technical, managerial, and financial capacity to comply with state drinking water regulations which are no less stringent than the national primary drinking water regulations. Such rules and regulations shall include a requirement that all new community water systems and new nontransient noncommunity water systems commencing operation after January 1, 1999, demonstrate technical, managerial, and financial capacity, as defined in such rules and regulations, to comply with state drinking water regulations which are no less stringent than the national primary drinking water regulations in effect on the date of commencement of operations.

(9) In order to protect the public against vectorborne diseases, the state health officer shall prepare and promulgate rules and regulations necessary to insure that disease vectors, including but not limited to mosquitoes and other biting and nonbiting flies, ticks, mites, lice, fleas, true bugs, and rodents are monitored and controlled at levels sufficient to prevent or abate outbreaks of diseases.

(10) In order to protect the public health and health-safety, the state health officer shall prepare and promulgate rules and regulations relative to public and private schools, jails and lockups, public and private buildings, including public and private hospitals and nursing homes and similar buildings where people congregate. In order to assure compliance with promulgated regulations, plans and specifications for such public and private building structures and facilities shall be submitted to the state health officer or his designee for review and approval. These rules and regulations shall apply to new buildings, structures, and facilities, as well as modifications to existing ones, and shall include space requirements, ventilation, heating and air conditioning, lighting, waste storage and disposal, and other similar factors affecting public health.

(11) In order to protect the public from disease and injuries associated with water contact recreation (swimming), the state health officer shall prepare and promulgate rules and regulations necessary to insure that public swimming pools and recreational bathing places (natural and artificial) are constructed, operated, and maintained in a safe and sanitary manner. These rules may require the submittal of appropriate plans and specifications for review and approval. These rules and regulations shall insure that the design, construction, and operation of these facilities is such that the public is protected against the transmission of disease or injury by the establishment of water quality standards (chemical, physical, and bacterial); by proper arrangement of the physical features of the site or facility; and by proper procedures for supervision and maintenance of such premises.

(12) In order to protect the public health, the state health officer shall prepare and promulgate rules and regulations relative to new rendering facilities and modifications to existing facilities. These rules and regulations shall relate to, but not be limited to, procedures for the review and approval of plans, requirements for approval by the state health officer or his designee prior to contracting for the construction of rendering plants, requirements for obtaining a permit to operate a rendering plant before operation begins, requirements for closing down a rendering plant already in operation if any condition occurs which might adversely affect the health of the community. Factors that shall be regulated include operation, containment of solid, liquid, or gaseous animal materials and byproducts during processing, storage, or transportation, odors, cleanliness, utilization of products and byproducts, and identification marking of products and byproducts.

(13) The state health officer, through the office of health services and environmental quality, shall be expressly empowered and authorized to issue emergency rules and orders when necessary and for the purposes of controlling nuisances dangerous to the public health and communicable, contagious, and infectious diseases, and any other danger to the public life and health and health-safety.

B.(1) All sanitary and food and drug inspections to monitor compliance with the provisions of the state sanitary code shall be conducted by licensed sanitarians in the employ of the Department of Health and Hospitals, or by similarly licensed sanitarians in the employ of a local parish or municipal governing authority.

(2) In instances where such an inspection discloses a violation of the state Sanitary Code, the business entity or person deemed to be responsible shall be given an opportunity to correct the noted deficiency, and, if upon reinspection the premises are found to be still in need of correction of the previously cited violation, the district attorney or, in cases involving pollution of streams, rivers, lakes, bayous, or ditches located in public rights of way, the attorney general, at the request of the Department of Health and Hospitals, may, in his sole discretion, seek an injunction from the district court to enforce the provisions of the state Sanitary Code. The district attorney or the attorney general shall have the power to appoint an attorney of the Department of Health and Hospitals as a special assistant district attorney or a special assistant attorney general to prosecute the case. The proceeding before the district court shall be an adversary proceeding and each party shall have the power to call witnesses and subpoena documents and records. In any such proceeding, no district court shall issue an injunction to enforce any provision

which it determines to be physically beyond the control of the person or business entity to comply with, or in conflict with, other provisions of state or federal law or regulations.

(3) In instances where such an inspection discloses a violation of the state Sanitary Code involving pollution of streams, rivers, lakes, bayous, or ditches located in public rights of way, the business entity or person deemed to be responsible shall be given an opportunity to correct the noted deficiency, and, if upon reinspection the previously cited violation is found to still exist, the state health officer is hereby authorized, after due process in accordance with the Administrative Procedure Act, to impose sanctions as follows:

(a) In the case of establishments which operate under license or permit issued by the office of public health of the Department of Health and Hospitals, the state health officer may suspend or revoke the existing license or permit.

(b) In the case of establishments which operate without license or permit issued by the office of public health or where establishments continue to operate after the license or permit has been suspended or revoked, the state health officer may issue a civil compliance order directing the business entity or person deemed responsible for the establishment to correct the violation noted and impose a fine of one hundred dollars per day for each day the violation has not been corrected up to a maximum of ten thousand dollars. The fine shall commence on the day following the date of permit revocation or suspension, or the day following the date specified for compliance in the civil compliance order issued by the state health officer.

(c) All fines imposed under this Section shall be payable to the office of public health of the Department of Health and Hospitals which shall be deposited into the state general fund.

(d) If civil action is necessary to recover fines imposed under this Section, the offender shall be liable for the amount of the fine, legal interest from the date of assessment, and all costs of recovery, including legal fees and court costs.

(e) The state health officer with the approval of the secretary of the Department of Health and Hospitals may settle or resolve out of court any suit for recovery of fines if deemed in the best interest of the state.

(4) Nothing herein shall prohibit the state health officer acting through the office of public health, with the concurrence of the secretary of the Department of Health and Hospitals, from seeking civil injunctive relief from a district court to assist in enforcing emergency orders, when there exists serious and imminent danger to the public health. The proceeding before the district court shall be an adversary proceeding, and each party shall have the power to call witnesses and subpoena documents and records. In any such proceeding, no district court shall issue an injunction to enforce any provision which it determines to be physically beyond the control of the person or business entity to comply with, or in conflict with other provisions of state or federal law or regulations.

(5) Paragraphs B(2) and (3) of this Subsection shall not apply to waste waters and wastes in discharges from industrial facilities which are subject to permitting under the Louisiana Water Control Law (R.S. 30:2071 et seq.) or the federal Clean Water Act (42 USC§ 1251 et seq., as amended), nor to waste waters from industrial facilities in ditches upstream of state or federal waste water discharge points.

Acts 1976, No. 346,§ 1; Amended by Acts 1978, No. 786,§ 5, eff. July 17, 1978; Acts 1982, No. 619,§ 1; Acts 1986, No. 885,§ 1; Acts 1988, No. 942,§ 1; Acts 1990, No. 242,§ 1; Acts 1990, No. 267,§ 1; Acts 1993, No. 147,§ 1, eff. May 26, 1993; Acts 1993, No. 289,§ 1, eff. June 2, 1993; Acts 1993, No. 753,§ 1; Acts 1997, No. 814,§ 1.

§5. General powers and jurisdiction

The state health officer and the office of public health of the Department of Health and Hospitals shall have exclusive jurisdiction, control, and authority:

(1) To isolate or quarantine for the care and control of communicable disease within the state.

(2) To take such action as is necessary to accomplish the subsidence and suppression of diseases of all kinds in order to prevent their spread.

(3) To enforce a sanitary code for the entire state containing provisions for the improvement and amelioration of the hygienic and sanitary conditions of the state.

(4) To enact provisions regulating the standards of health and decency and building regulations of all prisons, jails, lock-ups, and camps where prisoners are detained or confined.

(5) To supervise, inspect, and issue sanitation permits for water supplies, slaughterhouses, cold storage plants, all places of public accommodation, and the handling and control of hygienic conditions with respect to all food.

(6) To take such action as may be authorized by the administrator of the Environmental Protection Agency under the federal Safe Drinking Water Act of 1974.

(7) To make all sanitary inspections and provide for the issuance of health permits.

(8) Over the enforcement of controls and issuance of permits for the distribution and handling of dangerous drugs.

(9) Over the treatment and disposal of municipal or domestic sewage.

(10) Over the reporting of communicable diseases.

(11) Over the gathering, keeping, reporting, and tabulating of vital and mortuary records and statistics for all parishes of the state.

- (12) Over the providing of facilities for vaccination.
- (13) To assist in the supervision and operation of parish and municipal health units and departments.
- (14) Over the regulation of the carriage and transportation of persons, freight, and dead bodies brought into the state or transported through or in the state as they may affect public health.
- (15) Over the sanitary inspection of meat, milk, and other products which may affect public health and safety.
- (16) Over the sanitary conditions required at any public gathering or meeting.
- (17) Over the adoption of rules and regulations regarding public health, sanitary, and hygienic subjects, including those for standards governing noxious odors.
- (18) To promulgate rules and regulations in accordance with the Administrative Procedure Act to establish a fee schedule, based on ability to pay or eligibility for third party reimbursement, for services provided by the handicapped children's services program and maternal and child health programs in the office of public health.
- (19) To conduct health inspections and issue health permits through state employed licensed sanitarians, or by licensed sanitarians of parish health units or departments.
- (20) Over those functions of the state provided by law relating to environmental quality and pollution control which are related to the public health and which are specifically assigned to the department by statute.
- (21)(a) To conduct health, safety, and sanitation inspections, through state employed licensed sanitarians, of any place upon receipt of a complaint that the department determines shows appropriate and sufficient grounds to indicate a health hazard or sanitary code violation may exist, regardless of whether such place is licensed or not, or otherwise regulated.
- (b) In order to comply with the provisions of Subparagraph (a), a licensed sanitarian may, if necessary, seek and obtain an appropriate order or warrant from the state district court for the judicial district in which the place to be inspected is located to enter, examine, and inspect such place for a health hazard or sanitary code violation.
- Acts 1976, No. 346, § 1. Amended by Acts 1978, No. 786, § 5, eff. July 17, 1978; Acts 1979, No. 449, § 4, eff. Jan. 1, 1980; Acts 1989, No. 713, § 1; Acts 1990, No. 574, § 1; Acts 1993, No. 180, § 1, eff. May 31, 1993; Acts 1999, No. 993, § 1, eff. July 9, 1999.

§6. Penalties for violation of state sanitary code

A. Whoever violates any provision of the sanitary code, except those provisions dealing with isolation or quarantine of communicable disease, shall be fined not more than twenty-five dollars or be imprisoned for not more than ten days, or both, for the first offense. For the second offense, he shall be fined not less than twenty-five dollars nor more than fifty dollars or be imprisoned for not less than ten days nor more than thirty days, or both. For any subsequent offense, he shall be fined one hundred dollars or be imprisoned for not less than thirty days, or both.

B. Whoever violates those provisions of the sanitary code dealing with the isolation or quarantine of communicable disease, or any person having such a communicable disease that may cause a severe health hazard to the community and who, after having been officially isolated or quarantined by any local health officer or by the state health officer or the duly authorized representative of either health officer, violates the provisions of the isolation or quarantine shall be fined not less than fifty dollars nor more than one hundred dollars or be imprisoned for not more than two years or both.

Any person convicted of violating the provisions of the sanitary code regarding isolation or quarantine under this Section may be confined either to the parish jail, to any state operated hospital, or to the hospital section of the state penitentiary, at the discretion of the court. If, however, any person convicted under this Section and committed to any state operated hospital unlawfully leaves that institution before serving his full sentence, the district court shall then commit him to the hospital section of the state penitentiary. If the superintendent of any state operated hospital or the medical director of the hospital at the state penitentiary determines that any person committed to their respective institution under this section is no longer harboring a communicable disease or if the disease is no longer in a communicable or infectious state and the person has not completed serving the sentence imposed upon him, the said superintendent or medical director shall transmit this information immediately to the district court which committed the person, with a request for commutation of sentence, and said district court is hereby authorized, in its discretion, to commute said sentence. Nothing in this Section is to be construed as depriving any individual of the right to decline any medical treatment or to provide other care or treatment for himself or herself at his or her own expense, which care does not cause a severe health hazard to the community, provided that the sanitary and quarantine laws, rules and regulations relating to communicable disease are complied with.

C. In addition to a criminal prosecution, the district attorney may, upon request of the state health officer or secretary of the Department of Health and Human Resources, or his duly authorized representative, petition the district court, and the district court may, upon such petition and for cause, restrain any person by temporary or permanent injunction for the violation of any provision of the state sanitary code when necessary to arrest or prevent epidemics or to abate any imminent menace to the public health.

Acts 1976, No. 346, § 1. Amended by Acts 1977, No. 401, § 1.

§7. Communicable disease epidemic; procedure

If any parish or municipality or any portion thereof becomes infected with any disease to such an extent as to threaten the spread of the disease to the other portions of the state, the state health officer shall issue his proclamation declaring the facts and ordering the infected parish or municipality or the infected portion thereof quarantined. Further, the state health officer shall order all local health officers to quarantine against the locality; shall establish and promulgate the rules, regulations, terms and conditions on which intercourse with the infected locality will be permitted; and shall issue to the other local sanitary authorities instructions as to the measures adopted in quarantining against persons, goods, or other property coming from the infected locality. These rules, regulations, terms and conditions shall be observed and obeyed by all health authorities. Any other of the noninfected portions of the state may, upon approval of the state health officer, add to the regulations, rules, terms and conditions already imposed by the state health officer.

The state health officer may prohibit the introduction into any infected portion of the state persons acclimated, unacclimated or said to be immune, when, in his judgment, the introduction of those persons would increase the prevalence of the disease.

The state health officer shall render to the local health officers all the assistance which the conditions of his finances permit.

Acts 1976, No. 346, § 1.

§8. Investigations; entry on and inspection of premises; order to compel attendance of witnesses or production of documents

A. The state health officer shall conduct investigations to determine compliance with the state sanitary code or health and sanitary laws of the state and shall investigate any circumstances which he has determined pose a threat or reasonable expectation of a threat to the public health.

B. In conducting an investigation pursuant to this Section, the state health officer or any duly authorized representative may enter, examine, and inspect all grounds, structures, public buildings, and public places in execution of a warrant issued in accordance with the constitution and laws of Louisiana.

C. In conducting an investigation pursuant to this Section, the state health officer may petition the district court of the parish where the person, agency, organization, or legal entity resides, may be found, transacts business, or has its principal place of business for an order to compel the attendance of a witness or to compel the production of documents or records anywhere in the state, if information relevant to the inspection or investigation is in the possession of the witness or is contained in the documents or records.

D. The clerk of court of the parish where the district court is located that issues an order under this Section shall mail a certified copy of the order and certified copy of the state health officer's petition to the parties indicated in the state health officer's petition to receive service of process of the order and petition. The clerk shall file a certificate in the record showing the date on which, and the counsel and parties to whom, the certified copy of the order and petition were mailed. The mailing of the certified copy of the order and petition shall be effective service of process on residents and nonresidents under R.S. 13:3201 et seq.

Acts 1976, No. 346, § 1; Acts 1999, No. 667, § 1.

§9. Arrests for violations

Any inspector, officer, or employee of the state health officer may arrest, without warrant, all persons violating any rule or regulation of the state health officer or any article or provision of the sanitary code, when the violation occurs within his sight, view, or personal knowledge. When the violation does not so occur, he may arrest only in execution of a warrant duly issued in accordance with the provisions of this Part or by a competent judicial authority.

All law enforcement officers shall aid in the apprehension of persons violating the provisions of the sanitary code or any rule or regulation of the state health office. These officers shall themselves arrest and apprehend all offenders committing such violations in their view or sight or within their personal knowledge.

Acts 1976, No. 346, § 1.

§10. Preparation for emergency

The state health officer shall at all times keep in readiness one or more medical inspectors and nurses, medicines, clothing, bedding, appliances, tents and other paraphernalia so as to repair to any place in the state that applies to him, when deemed necessary by the state health officer, or to any place in the state in which there is an outbreak of communicable disease, with the view of stamping it out. The legislature shall appropriate an annual sum for use by the state health officer for such emergencies. The local authorities shall keep up the work at their own expense after it has been started, if their funds permit.

Acts 1976, No. 346, § 1.

§11. Distribution of funds to parish health units or departments

The ratio, formula, or other manner of distribution presently used, and to be used, by the state health officer applying to funds derived from federal or state sources and appropriated, apportioned, assigned, or otherwise made available to support parish health units in Louisiana, shall not be altered to provide a lesser appropriation from such federal or state funds to any parish health unit if such parish by a vote of a millage by the qualified voters of such parish provides or has provided a larger financial support from local tax sources. If the total appropriation of federal funds available to the state health officer is reduced or abolished, this provision shall not apply to said federal funds. Acts 1976, No. 346, § 1.

PART II. PARISH HEALTH UNITS

§12. Parish health units

Each parish of the state shall provide a health unit or department. These units or departments shall be known as parish health units.

Acts 1976, No. 346, § 1.

§13. Expenses of parish health units

The governing body of each parish shall provide ample means for the maintenance and operation of its parish health units or departments and for the promotion and conservation of public health. For the purposes of this Title they shall be known as parish health units.

If a municipality encompasses an entire parish, the municipal authorities shall, for the purposes of this Part, be known as parish authorities.

Acts 1976, No. 346, § 1.

§14. Parish health units; jurisdiction

Parish health units may, through the parish governing authority, control and administer all matters of local sanitation not generally affecting other portions of the state. They may pass local health and sanitary ordinances and define and abate nuisances dangerous to the public health of that parish only. They may also regulate drainage and ventilation with reference to human habitation and places of business and public resort; provide for the disposition of fecal matter and garbage and waste subject to provisions of state law and the sanitary code; regulate the erection of buildings, with due regard to the filling and grading of lots, and the arrangement of buildings; provide for the vacation and demolishing of buildings when necessary for the protection of public health; and generally enforce all health and sanitary ordinances so adopted. However, these rules, ordinances and regulations shall not conflict with the rules and regulations of the sanitary code and shall not be less restrictive than the state sanitary code and may provide and regulate with respect to health matters not covered by the sanitary code.

Acts 1976, No. 346, § 1.

§15. Quarantine by parish health officer

No parish health officer may establish quarantines without the approval of the state health officer, previously obtained, and the cooperation of the parish legislative body. The state health officer has supervisory power over all local quarantines so established.

Acts 1976, No. 346, § 1.

§16. Parish health units to act in harmony with state health officer

All parish health units act under the supervision and advice of the state health officer and the office of health services and environmental quality of the Department of Health and Human Resources.

Acts 1976, No. 346, § 1. Amended by Acts 1978, No. 786, § 5, eff. July 17, 1978.

§17. Mandatory medical examination; confinement; when allowed; emergency certificate

A. Neither the state health officer or his designee, nor the parish health officer or health unit shall subject any person to any medical examination or confine him in any institution unless directed or authorized to do so by the judge of the parish in which the person is located, except when said person is infected or suspected of infection with smallpox, cholera, yellow fever, or bubonic plague, or is infected with tuberculosis.

B.(1) A person who is infected with tuberculosis in an active and communicable state, who is a patient in a hospital, and who refuses treatment for tuberculosis against medical advice may be detained and held in a hospital for a period not to exceed fifteen days by an emergency certificate executed by the hospital's infectious disease control physician or pulmonary disease physician in accordance with the procedure set forth in this Section.

(2) In such case, the hospital's infectious disease control physician or pulmonary disease physician and the patient's physician shall contact the state health officer through the nearest tuberculosis control unit or clinic of the office of public health for purposes of coordinating the patient's transfer to a state tuberculosis treatment facility pursuant to R.S. 40:31.24 within the fifteen days covered by the emergency certificate.

(3) If the patient violates in any way the emergency certificate issued pursuant to this Section, it shall be deemed to be a violation of a quarantine order and shall be subject to the sanctions set forth in R.S. 40:6(B).

(4) Upon expiration of the emergency certificate, the patient shall be released from the hospital, unless a court order pursuant to R.S. 40:31.24 transferring the patient to a treatment facility has been obtained.

C. The following procedure shall govern the preparation and issuance of an emergency certificate for the purpose of detaining and holding a patient pursuant to the provisions of this Section:

(1) The hospital's infectious disease control physician or pulmonary disease physician, or any hospital staff physician authorized to act in the role of the infectious disease control physician for the hospital may execute an emergency certificate to detain and hold a person infected with active, infectious, and communicable tuberculosis.

Thereafter, the following tasks shall be completed as soon as possible with regard to a person detained and held pursuant to an emergency certificate:

(a) The infectious disease control physician or pulmonary disease physician must personally examine the patient and confer with the patient and the patient's treating physician.

(b) The patient's medical records must be reviewed by the infectious disease control physician or pulmonary disease physician to confirm that the tuberculosis is in an active, infectious, and communicable state.

(c) The infectious disease control physician or pulmonary disease physician must find current evidence that the patient has refused to take required tuberculosis medications and that the patient desires to leave the hospital against medical advice.

(d) The infectious disease control physician or pulmonary disease physician must conclude that the patient poses a present danger to himself or herself and others if the patient should leave the hospital against medical advice.

(2) The emergency certificate must state the date and hour of examination by the infectious disease control physician or pulmonary disease physician and must be signed by the physician at such time under penalty of perjury.

(3) Within a period of seventy-two hours following the execution of the emergency certificate by the hospital infectious disease control physician or pulmonary disease physician, there must be a follow-up examination of the patient by any hospital staff physician, who shall record his or her findings in the section provided for such findings in the emergency certificate. The information provided in this Section must also state the date and hour of the follow-up examination and must be signed at that time by the physician under the penalty of perjury. If the follow-up examination confirms the initial findings of the infectious disease control physician or pulmonary disease physician, the emergency certificate shall remain in full force and effect. If after the examination it is determined that circumstances have changed, that the patient is taking the required tuberculosis medications, and that the patient no longer poses a present threat to himself or herself and others, the emergency certificate shall expire upon the examining physician's signature attesting to this fact. If no follow-up examination occurs within the seventy-two hours following the execution of the emergency certificate, the emergency certificate shall be deemed to have expired by operation of law.

(4) The state health officer and the tuberculosis control unit of the office of public health shall provide all licensed public and private hospitals with emergency certificate forms and instructions for the purposes of this Section.

Acts 1976, No. 346, § 1; Acts 1993, No. 190, § 1, eff. May 31, 1993; Acts 1997, No. 969, § 1, eff. July 10, 1997.

§18. Communicable disease; isolation and report to state health officer; quarantine

If any case where a communicable disease is reported to or comes to the knowledge of any local health officer, the local health officer shall immediately isolate it and communicate the fact as expeditiously as practicable to the state health officer, together with the information as to what steps have been taken to isolate and care for the case. The local health officer shall, from time to time, communicate the progress of the case to the state health officer.

Upon receipt of notice of the case by the state health officer or at any time during the case thereafter, the state health officer, shall, if he thinks the emergency sufficient, send an expert physician, selected by him, to examine and diagnose the disease. If, after this examination and diagnosis, the expert declares the case to be one of an obnoxious or communicable nature, liable to spread or to become dangerous to the general public health of the state, the state health officer shall instruct the local health officer as to what additional steps, if any, should be taken to isolate the case and prevent the spread of the infection any further. The state health officer shall require that the local health officer immediately conform to and put these instructions in operation. If the local health officer or other local authorities connected with the case fail to act immediately on these instructions or fail to act in the case in a manner satisfactory to the state health officer, the state health officer shall take charge of the case and manage it through his own officers or employees.

Acts 1976, No. 346, § 1.

§19. Domicile of parish health unit

All parish health units shall have their legal domicile in the parish seat of its particular parish.

Acts 1976, No. 346, § 1.

§20. Appointment of parish health officer; qualifications; Orleans Parish health director

A. The state health officer, after consultation with the parish governing authority and with the approval of the secretary of the Department of Health and Hospitals, and the parish governing authority, shall appoint a parish health officer, except in Orleans Parish. In Orleans Parish, the parish health officer shall be designated as the health director and shall be appointed by the mayor of the city of New Orleans.

B. The parish health officer shall be a full-time licensed physician, if possible, and if a physician is not available the parish health officer shall be a full-time employee experienced in the administration and enforcement of public health programs. The health officer shall be domiciled in the parish in which he is appointed unless he serves more than one parish as hereinafter provided.

C. If the parish health officer is unclassified or under contract, he may be removed by the state health officer with the approval of the parish governing authority and a replacement named as herein provided. If the parish health officer is in the classified service, he shall be a member of the state classified service and shall be appointed or removed by the state health officer in accordance with existing state civil service provisions of law and regulations. The provisions of this Subsection shall not apply to the parish health director for Orleans Parish.

Acts 1976, No. 346, § 1. Amended by Acts 1978, No. 786, § 5, eff. July 17, 1978; Acts 1992, No. 378, § 1.

§21. Establishment of health district; district health officer

Two or more parishes may, with the approval of the state health officer and the governing bodies of the parishes, organize a health district composed of the health units of their respective parishes. In lieu of one health officer in each of the parishes, the parishes may, in that case, jointly use the services of and appropriate funds for the payment of the compensation of a single health officer. The jurisdiction, powers and duties of the district health officer in the health district and the manner in which he may be appointed and removed from office are the same as those of a parish health officer.

Acts 1976, No. 346, § 1.

§22. Removal of parish or district health officer; Orleans Parish health director

A parish or district health officer who is not in the classified service of the state may be removed from office, after thirty days written notice by either the state health officer or the governing body of the parish, with the consent of the secretary of the Department of Health and Hospitals, except in Orleans Parish. In Orleans Parish, the parish health director shall be subject to removal by the mayor of the city of New Orleans, at least thirty days after written notice thereof has been given to the health director.

Acts 1976, No. 346, § 1. Amended by Acts 1978, No. 786, § 5, eff. July 17, 1978; Acts 1992, No. 378, § 1.

§23. Salaries of parish or district health officers; unclassified

Each parish shall determine the salary of its health officer and the necessary expenses for the conduct of his official duties if said health officer is in the unclassified service or serving on a contractual basis. In the case of an unclassified or contractual district health officer, the parishes which jointly employ him shall fix his salary and expenses and the proportionate share of each parish.

The above salaries and expenses shall be paid by the governing bodies of the parish or parishes for which the health officer was appointed, except as herein provided.

Where a parish or group of parishes appoint a full-time health officer whose entire time is devoted to health work as such, exclusive of any private practice, the state may appropriate and assist in paying the salary of that health officer not to exceed twenty percent of the salary if the parish or parishes contract with the Department of Health and Human Resources for the establishment and maintenance of a health unit as hereafter provided.

Acts 1976, No. 346, § 1. Amended by Acts 1978, No. 786, § 5, eff. July 17, 1978.

§25. Entry on and inspection of premises

The parish health officer and every person duly authorized may enter, examine and inspect all grounds, structures, public buildings and public places in execution of a warrant issued in accordance with the constitution and the laws of Louisiana.

Acts 1976, No. 346, § 1.

§26. Contractual agreement on establishment and maintenance of parish health unit

A. The governing body of a parish may contract, or mutually agree on an annual basis, with the Department of Health and Human Resources on or before November 1 of any calendar year, for the establishment and/or partial maintenance of the parish health unit and a full-time health officer. In such case the parish shall provide housing for said health unit. The governing body of the parish may appropriate and disburse funds for the support of the unit jointly with state and/or federal funds as furnished by the Department of Health and Human Resources within the terms of a state fiscal year budget having the approval of both the parish and state.

B. The parish health officer shall be appointed in accordance with the provisions of this Chapter and shall, if classified, be in the state classified service. As a prerequisite of said contract, the parish health officer shall be subject to all state laws and regulations and orders of the state health officer and the department. Notwithstanding any provisions of this Chapter, the employees of the parish health unit, including the parish health officer, may, at the option of the parish, be employed as parish or municipal employees in which case their salaries and all benefits shall be paid in full by the parish, and they shall be under the direction and control of the parish but subject to the general supervision of the state health officer through the parish health officer. In all other respects they shall be parish or municipal employees.

Acts 1976, No. 346, § 1. Amended by Acts 1978, No. 786, § 5, eff. July 17, 1978.

§27. Salaries and personnel benefits of health unit

Where a health unit is established or partially maintained as provided in the preceding Section, the salaries and personnel benefits may be paid in part by funds from the state and parish, except, that if said employees are parish or municipal employees, all salaries and personnel benefits shall be paid entirely by parish funds including any increases in salaries or personnel benefits.

Acts 1976, No. 346, § 1.

PART III. MISCELLANEOUS PROVISIONS

§28. Tubercular individuals; free diagnostic clinics

A. Free diagnostic clinics may be established and maintained by the Department of Health and Human Resources for the purpose of doing diagnostic work for possible tubercular individuals. These clinics shall be equipped with appropriate X-ray and other laboratory apparatus.

B. Any licensed physician engaged in private practice in Louisiana may utilize these clinics as aids in his private practice for the detection of tuberculosis only, subject to the conditions imposed by the Department of Health and Human Resources. The Department of Health and Human Resources may operate, along with these clinics, any other appropriate health work related thereto.

Acts 1976, No. 346, § 1. Amended by Acts 1978, No. 786, § 5, eff. July 17, 1978.

§29. State health laboratories; fee schedule

A. Except as provided in duly promulgated rules and regulations, each laboratory operated by the office of public health of the Department of Health and Hospitals on a statewide, regional, or parish basis whether in connection with a parish health unit or independently operated by the office as a state laboratory shall not perform any test, procedure, function, or any operation unless the office charges and receives payment of a fee for such test, procedure, function, or operation as is required by the fee schedule provided in this Section.

B. The fee schedule provided in this Section shall not apply and no such fee shall be charged:

(1) To the office of public health of the Department of Health and Hospitals or a patient at a parish health unit or to any physician, hospital, clinic, nurse, or any other individual who is treating a patient of the office of public health or a parish health unit in an official capacity unless payment of such fee is required by rules and regulations duly promulgated pursuant to Subsection D of this Section.

(2) For the diagnosis of tuberculosis or venereal disease.

(3) In any instance when the state health officer declares an epidemic, for any test, procedure, function, or operation related to such epidemic.

(4) If exemption from payment is otherwise provided by the state sanitary code.

(5) To any state hospital or institution when the secretary of the Department of Health and Hospitals requires the office of public health or a parish health unit laboratory to act for such institution in case of emergency.

C. The schedule of fees required by this Section shall be as follows and the appropriate fee or fees as provided by this fee schedule shall be charged for any test, procedure, function, or operation performed by a state, regional, or parish health unit laboratory operated by the office of public health, on specimens, cultures, or procedures which are submitted by any physician, hospital, clinic, nurse, veterinarian, or any other individual, except as otherwise provided in this Section:

| Test Description | Fee |
|---|----------|
| (1) Ab identification, RBC each panel, each serum technique | \$ 57.00 |
| (2) Ab screen, RBC each serum technique | \$ 21.00 |
| (3) Adenovirus Ab | \$ 18.00 |
| (4) Alpha fetal protein (amniotic fluid) | \$ 22.00 |
| (5) Alpha fetal protein (serum) | \$ 22.00 |
| (6) Antibiotic disc test | \$ 4.00 |
| (7) Blood-hemogram, automated and manual differential WBC (CBC) | \$ 8.00 |
| (8) Blood-RBC antigen other than ABO and Rh(D), each antigen | \$ 5.00 |
| (9) Blood-Rh (D) antigen | \$ 19.00 |
| (10) Blood-typing, ABO | \$ 4.00 |
| (11) Bordetella paraptusis Ab | \$ 19.00 |
| (12) Bordetella pertusis antigen | \$ 19.00 |
| (13) Bordetella pertusis culture | \$ 11.00 |
| (14) Borelia Ab IgG (relapsing fever) | \$ 19.00 |
| (15) Borelia Ab IgM (relapsing fever) | \$ 19.00 |
| (16) Borelia Ab total (relapsing fever) | \$ 19.00 |
| (17) Brucella abortus Ab | \$ 14.00 |
| (18) Chlamydia Ab (LGV) | \$ 18.00 |
| (19) Chlamydia testing by DNA gene probe, each probe used | \$ 18.00 |
| (20) Clinical chemistries/21 tests + amylase | \$ 15.00 |
| (21) Corynebacterium diphtheriae culture (throat or nose) | \$ 11.00 |
| (22) Coxiella brunetti (Q fever) Phase 1-IgG and IgM | \$ 18.00 |

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| (23) Coxiella brunetti (Q fever) Phase 2-IgG and IgM | \$ 18.00 |
| (24) Cryptococcus Ab | \$ 21.00 |
| (25) Culture typing, precipitin method (grouping) per antiserum | \$ 7.00 |
| (26) Culture typing, serologic method, agg grouping, per antiserum | \$ 7.00 |
| (27) Culture typing, serologic method, speciation | \$ 5.00 |
| (28) Culture, Bact, screen, stool | \$ 13.00 |
| (29) Culture Bact, anaerobe, ID, any source without GLC | \$ 11.00 |
| (30) Culture Bact, ID, aerobe, any source | \$ 11.00 |
| (31) Culture, Bact, screen (aerobic and anaerobic plates) | \$ 15.00 |
| (32) Culture, Bact, screen, other source | \$ 12.00 |
| (33) Culture, Bact, screen, throat or nose | \$ 11.00 |
| (34) Culture, Bacti, anaerobe, isolation, any source | \$ 13.00 |
| (35) Culture, Bacti, ID anaerobe with GLC | \$ 20.00 |
| (36) Culture, Bacti, ID any source, in addition to primary culture | \$ 8.00 |
| (37) Culture, Bacti, ID presumptive, any source, multiple organism | \$ 12.00 |
| (38) Culture, Bacti, ID presumptive, any source, single organism | \$ 10.00 |
| (39) Culture, Bacti, ID screen, any source single organism | \$ 9.00 |
| (40) Culture, Bacti, ID, screen, multiple organisms | \$ 12.00 |
| (41) Culture, Bacti, ID, urine | \$ 9.00 |
| (42) Cytomegalovirus (CMY) Ab IgG | \$ 20.00 |
| (43) Cytomegalovirus (CMV) Ab IgM | \$ 20.00 |
| (44) Dengue fever Ab | \$ 18.00 |
| (45) Encephalitis testing in birds (per viral study) | \$ 19.00 |
| (46) Encephalitis, Eastern equine IgG | \$ 19.00 |
| (47) Encephalitis, Eastern equine IgM | \$ 19.00 |
| (48) Encephalitis, La Crose (California) IgG | \$ 19.00 |
| (49) Encephalitis, La Crose (California) IgM | \$ 19.00 |
| (50) Encephalitis, Saint Louis IgG | \$ 19.00 |
| (51) Encephalitis, Saint Louis IgM | \$ 19.00 |
| (52) Encephalitis, Western Equine IgG | \$ 19.00 |
| (53) Encephalitis, Western Equine IgM | \$ 19.00 |
| (54) Enterovirus Ab (eg coxsckie, echo, polio) | \$ 19.00 |
| (55) Erlichia Ab | \$ 18.00 |
| (56) Estradiol assay | \$ 52.00 |
| (57) Flourescent Ab screen, each Ab (Bordatella) | \$ 18.00 |
| (58) Flourescent Ab titer, each Ab | \$ 17.00 |
| (59) Flourescent antibody (direct) (rabies DFA) | \$ 18.00 |
| (60) Flourescent antibody (indirect) | \$ 34.00 |
| (61) Flourescent antibody - double stain | \$ 8.00 |
| (62) Follicle stimulating hormone (FSH) | \$ 35.00 |
| (63) Francisella tularensis Ab | \$ 15.00 |
| (64) Glucose quantitative | \$ 7.00 |
| (65) Hepatitis, anti-A | \$ 18.00 |
| (66) Hepatitis, anti-C | \$ 18.00 |
| (67) Hepatitis, anti-HBc total | \$ 17.00 |
| (68) Hepatitis, anti-HBe | \$ 18.00 |
| (69) Hepatitis, anti-HBs | \$ 15.00 |
| (70) Hepatitis, HBe Ag | \$ 16.00 |
| (71) Hepatitis, HBs Ag | \$ 15.00 |
| (72) Herpes I group IgG | \$ 19.00 |
| (73) Herpes II group IgG | \$ 19.00 |
| (74) Herpes II group IgM | \$ 19.00 |
| (75) Herpes simplex Type 1 and 2 Ab differential | \$ 20.00 |
| (76) HIV-Dry Blood Spot analysis | \$ 6.00 |
| (77) HIV-1 EIA | \$ 13.00 |
| (78) HIV-1 WB | \$ 28.00 |

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| (79) Human arbovirus IgG | \$ 18.00 |
| (80) Human arbovirus IgM | \$ 18.00 |
| (81) Human chorionic gonadotropic (hCG) pregnancy test-quantitative | \$ 21.00 |
| (82) Human chorionic gonadotropic (hCG) pregnancy test-qualitative | \$ 11.00 |
| (83) Human rickettsia IgG | \$ 10.00 |
| (84) Human rickettsia IgM | \$ 10.00 |
| (85) Influenza A Ab | \$ 20.00 |
| (86) Influenza B Ab IgG | \$ 20.00 |
| (87) Legionella Ab | \$ 21.00 |
| (88) Leptospirosa Ab | \$ 19.00 |
| (89) Leutinizing hormone assay | \$ 36.00 |
| (90) Lipoproteins HDL cholesterol | \$ 14.00 |
| (91) Lipoproteins triglycerides | \$ 11.00 |
| (92) Lymes-(borellia burgdorferi) IgG | \$ 22.00 |
| (93) Lymes-(borellia burgdorferi) IgM | \$ 22.00 |
| (94) Meningoencephalytic Ab (adult) | \$ 18.00 |
| (95) Meningoencephalytic Ab (childhood) | \$ 18.00 |
| (96) Mumps virus Ab | \$ 19.00 |
| (97) Mycoplasma pneumonia Ab | \$ 19.00 |
| (98) Neisseria gonorrhoeae testing by DNA gene probe | \$ 18.00 |
| (99) Newborn screening panel | \$ 31.00 |
| (100) Parainfluenza I Ab | \$ 18.00 |
| (101) Parainfluenza II Ab | \$ 18.00 |
| (102) Parainfluenza III Ab | \$ 18.00 |
| (103) Parasite large volume filtration | \$ 47.00 |
| (104) Polio virus Ab-Type I | \$ 19.00 |
| (105) Polio virus Ab-Type II | \$ 19.00 |
| (106) Polio virus Ab-Type III | \$ 19.00 |
| (107) Prolactin assay | \$ 36.00 |
| (108) R. rickettsia Ab to antigen (Rocky Mountain spotted fever)IgG or IgM | \$ 18.00 |
| (109) R. typhi Ab (typhus fever) IgG or IgM | \$ 18.00 |
| (110) Rabies analysis | \$ 73.00 |
| (111) Reovirus Ab | \$ 18.00 |
| (112) Respiratory syncytial virus (RSV) Ab | \$ 18.00 |
| (113) Rheumatoid factor - qualitative (latex) | \$ 8.00 |
| (114) Rheumatoid factor - quantitative | \$ 8.00 |
| (115) Rotavirus Ab | \$ 19.00 |
| (116) Rubella (German measles) Ab, IgG | \$ 20.00 |
| (117) Rubella (German measles) Ab, IgM | \$ 20.00 |
| (118) Rubeola (red measles) Ab, IgG | \$ 18.00 |
| (119) Rubeola (red measles) Ab, IgM | \$ 18.00 |
| (120) Sensitivity study; antibiotics, disk method, per plate (12) | \$ 10.00 |
| (121) Smear with interpretation | \$ 6.00 |
| (122) Syphilis test VDRL qualitative (serum and CSF) | \$ 6.00 |
| (123) Syphilis test VDRL quantitative, MHA-TP (serum and CSF) | \$ 6.00 |
| (124) T cells including cell ratio | \$ 54.00 |
| (125) TB panel (bilirubin, AST, uric acid, creatinine) | \$ 11.00 |
| (126) TB screen-AST | \$ 7.00 |
| (127) TB, AFB, antibiotic sensitivities, each drug (includes culture) | \$ 8.00 |
| (128) TB-AFB smear | \$ 8.00 |
| (129) TB-concentration and isolation of mycobacteria, each | \$ 16.00 |
| (130) TB-DNA probe identification of AFB cultures | \$ 18.00 |
| (131) TB-HPLC ident of mycobacterium | \$ 26.00 |
| (132) Tissue culture studies | \$ |
| | 163.00 |
| (133) TORCH Ab (CMV, Herpes, Rubella, Toxo) IgG | \$ 82.00 |

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| (134) TORCH Ab (CMV, Herpes, Rubella, Toxo) IgM | \$ 82.00 |
| (135) Toxoplasma Ab, IgG | \$ 18.00 |
| (136) Toxoplasma Ab, IgM | \$ 21.00 |
| (137) Treponema pallidum Ab-confirmatory test FTA-ABS | \$ 19.00 |
| (138) Typhus in rats-antigen to antibody | \$ 10.00 |
| (139) Varicella zoster Ab, IgG | \$ 18.00 |
| (140) Vibrio cholerae ID | \$ 93.00 |
| (141) Vibrio vulnificus ID | \$ 47.00 |
| (142) Viral load studies for HIV | \$ |
| | 121.00 |
| (143) Virus ID-tissue cult. additional studies, each isolate | \$ 34.00 |
| (144) Virus ID-tissue cult. inoculation and observation | \$ 37.00 |
| (145) Virus ID-tissue cult. inoculation of egg/small animal, observation | \$ 28.00 |
| (146) Yersinia pestis (plague) study in rats, includes slide prep. animal inoculation, plague demonstration | \$ |
| | 154.00 |
| (147) Any public health biochemistry procedure not expressly stated will be charged based on the cost per unit of time (work time unit or WTU) as calculated by the fiscal department of the office of public health | \$ 1.75 |
| (148) Any public health microbiology procedure not expressly stated will be charged based on the cost per unit of time (work time unit or WTU) as calculated by the fiscal department of the office of public health | \$ 1.75 |
| (149) Any public health serology procedure not expressly stated will be charged based on the cost per unit of time (work time unit or WTU) as calculated by the fiscal department of the office of public health | \$ 1.75 |
| (150) Any public health virology procedure not expressly stated will be charged based on the cost per unit of time (work time unit or WTU) as calculated by the fiscal department of the office of public health | \$ 1.75 |
| (151) Any research procedure not expressly stated will be charged based on the cost per unit of time (work time unit or WTU) as calculated by the fiscal department of the office of public health | \$ 1.75 |
| (152) A-1 (FC MPN) | \$ 20.00 |
| (153) Adipates/Phthalates | \$ |
| | 160.00 |
| (154) Alfatoxins (HPLC) | \$ |
| | 119.00 |
| (155) Alfatoxins (screen) | \$ 40.00 |
| (156) Alkalinity (total) | \$ 9.00 |
| (157) Aluminum | \$ 16.00 |
| (158) Antibiotic disc assay | \$ 16.00 |
| (159) Antibiotic sensitivity study/antibiotic | \$ 6.00 |
| (160) Antimony | \$ 33.00 |
| (161) Arsenic | \$ 16.00 |
| (162) Barium | \$ 16.00 |
| (163) Beryllium | \$ 16.00 |
| (164) BOD-5 day (manual) | \$ |
| | 160.00 |
| (165) BOD-automated robotic testing | \$ 26.00 |
| (166) Bottled and vended waters-colilert | \$ 4.00 |
| (167) Bottled water-herbicides | \$ |
| | 237.00 |
| (168) Bottled water-trihalomethanes (THM) | \$ 33.00 |
| (169) Bottled water-VOC (P/T) | \$ |
| | 172.00 |
| (170) Butter analysis | \$ |
| | 121.00 |
| (171) Butterfat, babcock | \$ 27.00 |

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| (172) Butterfat, roese-gotlieb (confirmation) | \$ 92.00 |
| (173) Butterfats and nonfat solids | \$ 32.00 |
| (174) C. jejeuni and C. campylobacter-environmental | \$ 33.00 |
| (175) Cadmium | \$ 16.00 |
| (176) Cadmium in foods | \$ 3.00 |
| (177) Caffeine | \$ 79.00 |
| (178) Calcium hardness | \$ 8.00 |
| (179) Carbamates | \$ |
| | 200.00 |
| (180) Caustics | \$ 11.00 |
| (181) Cereal analysis-qualitative | \$ 1.00 |
| (182) Cereal analysis-quantitative | \$ 32.00 |
| (183) Charm I; App N antibiotic testing | \$ 13.00 |
| (184) Charm II; App N antibiotic testing-cloxacillin | \$ 13.00 |
| (185) Charm II; App N antibiotic testing-other | \$ 13.00 |
| (186) Charm II; App N antibiotic testing-quantitative | \$ 40.00 |
| (187) Charm II; App N antibiotic testing-sequential | \$ 13.00 |
| (188) Chemical oxygen demand (COD) | \$ 80.00 |
| (189) Chloride %-hypochlorites and chloramines (screen) | \$ 7.00 |
| (190) Chloride %; hypochlorites and chloramines (confirmation) | \$ 21.00 |
| (191) Chlorides | \$ 7.00 |
| (192) Chromium | \$ 17.00 |
| (193) Coffee (chicory) | \$ 4.00 |
| (194) Coliform determinations-confirmed (includes MPN for coliform and fecal coliform) | \$ 31.00 |
| (195) Coliform determinations-E. coli (verified) each isolate | \$ 13.00 |
| (196) Coliform determinations-fecal | \$ 8.00 |
| (197) Coliform determinations-fecal by MPN (includes presumptive, completed, and confirmed tests) | \$ 45.00 |
| (198) Coliform determinations-fecal coliforms (includes coliform and E. coli MPN) | \$ 31.00 |
| (199) Colilert | \$ 8.00 |
| (200) Color | \$ 5.00 |
| (201) Color and preservatives in food | \$ 80.00 |
| (202) Compliance analysis of nutritional content and labeling | \$ 13.00 |
| (203) Conductivity | \$ 7.00 |
| (204) Copper flame AA | \$ 9.00 |
| (205) Copper ICAP | \$ 4.00 |
| (206) Corrosion control (copper, lead, pH, alkalinity, THRD) | \$ 53.00 |
| (207) Cosmetics (organoleptics, net weight, filth, and foreign materials) | \$ 13.00 |
| (208) Cryoscope (added water) | \$ 8.00 |
| (209) Cyanide | \$ |
| | 160.00 |
| (210) Dairy waters-MTF | \$ 19.00 |
| (211) Diquat | \$ |
| | 200.00 |
| (212) Dissolved oxygen (DO) | \$ 8.00 |
| (213) Drained weight analysis | \$ 7.00 |
| (214) Dry skim milk-qualitative | \$ 3.00 |
| (215) Dry skim milk-quantitative | \$ |
| | 119.00 |
| (216) Dual column (confirmation) | \$ 33.00 |
| (217) E. coli 015:H7 | \$ 27.00 |
| (218) E. coli MPN | \$ 31.00 |
| (219) E. coli speciation | \$ 20.00 |
| (220) Endothall | \$ |

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| | 253.00 |
| | \$ |
| (221) Ethylene dibromide (EDB) | 133.00 |
| | \$ |
| (222) Etiological agent ID for consumer food, beverage | 100.00 |
| (223) Fecal coliform MPN (includes presumptive, completed, and confirmed tests) | \$ 31.00 |
| (224) Filth and foreign (filter) | \$ 5.00 |
| (225) Filth and foreign (macro) | \$ 5.00 |
| (226) Filth and foreign (micro) | \$ 7.00 |
| | \$ |
| (227) Filth and foreign (trap/sv) | 389.00 |
| (228) Fluoride analysis | \$ 20.00 |
| (229) Fluorides | \$ 11.00 |
| (230) Foreign fat (R1) | \$ 4.00 |
| | \$ |
| (231) Formaldehyde testing (AIR) | 409.00 |
| (232) Fossomatic CC | \$ 12.00 |
| (233) Fossomatic OSCC | \$ 13.00 |
| (234) Free CO2 | \$ 12.00 |
| (235) Gamma screen | \$ 26.00 |
| | \$ |
| (236) GC/MS confirmation | 479.00 |
| (237) General chemistry (organoleptic, net weight, filth, and foreign materials) | \$ 16.00 |
| (238) Glycol/recirculating water (10-tube MPN) | \$ 13.00 |
| (239) Glycol/Recirculating water (HPC) | \$ 8.00 |
| | \$ |
| (240) Glyphosphate | 160.00 |
| (241) Gross alpha and beta (radon 222, radium 226, radium 228, radon, uranium) | \$ 67.00 |
| | \$ |
| (242) Heavy metal (ICAP) | 100.00 |
| | \$ |
| (243) Heavy metals (includes Hg) | 180.00 |
| | \$ |
| (244) Herbicides | 240.00 |
| (245) Heterotrophic plate count (HPC) | \$ 8.00 |
| | \$ |
| (246) Inorganic chemicals | 299.00 |
| | \$ |
| (247) Iodine 131 | 396.00 |
| (248) Iron | \$ 17.00 |
| (249) Iron and alumina oxide | \$ 33.00 |
| (250) Lead-other analysis by furnace atomic absorption | \$ 55.00 |
| (251) Lead analysis (wipes) | \$ 20.00 |
| (252) Lead analysis in water/chemistry | \$ 20.00 |
| (253) Lead analysis in waters-schools, day care, water coolers, faucets | \$ 20.00 |
| (254) Lead analysis of paint | \$ 40.00 |
| (255) Lead and copper analysis for private residence water | \$ 23.00 |
| (256) Lead-blood lead screen by graphite furnace atomic is absorption | \$ 13.00 |
| (257) Listeria analysis-milk | \$ 27.00 |
| | \$ |
| (258) Listeria analysis-food | 100.00 |
| (259) Listeria culture-environmental | \$ 20.00 |
| (260) Loss on ignition | \$ 5.00 |
| (261) Manganese | \$ 16.00 |

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| (262) Mercury in foods | \$ 79.00 |
| (263) Mercury in water | \$ 20.00 |
| (264) Metal (1 metal) ICAP | \$ 16.00 |
| (265) Metals (13 metals) ICAP | \$ 53.00 |
| (266) Metals (4 metals) ICAP | \$ 24.00 |
| (267) Metals (ICAP) plus mercury | \$ 180.00 |
| (268) Metals in food-ICAP | \$ 40.00 |
| (269) Microbiology culture for environmental organisms (listeria,canpylobacter, yersenia, salmonella, staphylococcus, and E. coli) | \$ 175.00 |
| (270) Milk containers-paper and plastic | \$ 17.00 |
| (271) Net weight and contents | \$ 7.00 |
| (272) Nickel | \$ 16.00 |
| (273) Nitrate | \$ 13.00 |
| (274) Nitrates and nitrites | \$ 13.00 |
| (275) Nitrites | \$ 13.00 |
| (276) Nonfat solids | \$ 5.00 |
| (277) Nuisance organisms | \$ 20.00 |
| (278) Oil and grease | \$ 158.00 |
| (279) Organoleptic exam | \$ 3.00 |
| (280) Organoleptic exam in foods | \$ 13.00 |
| (281) Oyster meat analysis for vibrio and salmonella | \$ 40.00 |
| (282) Oyster waters-analysis for salmonella,shigella, vibrio, staph | \$ 33.00 |
| (283) Oyster waters; metals | \$ 100.00 |
| (284) Oyster waters; organics | \$ 40.00 |
| (285) Oyster waters; pesticides | \$ 233.00 |
| (286) Pesticide (Endrin, lindane, methoxychem, toxophene) | \$ 100.00 |
| (287) Pesticide battery 12 assays | \$ 201.00 |
| (288) Pesticide residues-food | \$ 273.00 |
| (289) Pesticide residues-grains | \$ 273.00 |
| (290) Pesticide residues-vegetables | \$ 233.00 |
| (291) Pesticide/PCBs in soil | \$ 246.00 |
| (292) Pesticides/herbicides and PCB | \$ 100.00 |
| (293) Pesticides/metals-ICP | \$ 313.00 |
| (294) Pesticides/PCBs | \$ 233.00 |
| (295) Pesticides/PCBs (Food) | \$ 233.00 |
| (296) Pesticides/PCBs (HECD) | \$ 273.00 |
| (297) Pesticides/PCBs (NPD) | \$ 273.00 |
| (298) Pesticides/PCBs (serum) | \$ 64.00 |
| (299) Pesticides/PCBS GC/MS | \$ 475.00 |

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| (300) Pesticides/PCBs in seafood | \$ 233.00 |
| (301) Pesticides/PCBs in water (multi-scan) | \$ 233.00 |
| (302) Pesticides/water (multi-scan) | \$ 231.00 |
| (303) pH | \$ 5.00 |
| (304) Phenols | \$ 319.00 |
| (305) Phosphatase by fluorophos | \$ 7.00 |
| (306) Phosphatase by sharer | \$ 11.00 |
| (307) Phosphatase by sharer-reactivation | \$ 46.00 |
| (308) Phosphatase by sharer-interfering substances | \$ 11.00 |
| (309) Phosphatase by sharer-microbial | \$ 34.00 |
| (310) Phosphates | \$ 40.00 |
| (311) Polyaromatic hydrocarbons (PAH) | \$ 79.00 |
| (312) Potassium | \$ 16.00 |
| (313) Priority chemicals | \$ 166.00 |
| (314) Radionuclides; gamma | \$ 53.00 |
| (315) Radium 226 and 228 | \$ 725.00 |
| (316) Radon 222 | \$ 79.00 |
| (317) Red tide (sample prep for mouse assay) | \$ 67.00 |
| (318) Red tide (tissue culture assay) | \$ 133.00 |
| (319) Reducing sugars | \$ 133.00 |
| (320) Residual chlorine (chloramines) | \$ 20.00 |
| (321) Residue/insoluble materials (pipe scales) | \$ 237.00 |
| (322) Salinity | \$ 7.00 |
| (323) Salmonella analysis-food | \$ 27.00 |
| (324) Salmonella and vibrio analysis | \$ 126.00 |
| (325) Salmonella culture | \$ 20.00 |
| (326) Salmonella culture-chocolate | \$ 47.00 |
| (327) Secondary chemicals | \$ 146.00 |
| (328) Sediment analysis | \$ 240.00 |
| (329) Selenium | \$ 33.00 |
| (330) Shellfish-microbial screen (staph aureus, salmonella, shigella, vibrio, listeria) | \$ 166.00 |
| (331) Silicates | \$ 40.00 |
| (332) Silver | \$ 16.00 |
| (333) Silvex 2,4-D and 2,4 TP | \$ 237.00 |
| (334) Sodium | \$ 16.00 |
| (335) Sodium and potassium | \$ 11.00 |
| (336) Staphylococcus analysis- Environmental | \$ 20.00 |
| (337) Staphylococcus aureus ID- Environmental | \$ 13.00 |
| (338) Strontium 89 and 90 | \$ 396.00 |
| (339) Sulfates | \$ 8.00 |
| (340) Sulfides | \$ 47.00 |

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| (341) Sulfite analysis-qualitative | \$ 3.00 |
| (342) Sulfite analysis-quantitative | \$ 48.00 |
| (343) Surfactants (MBAS) | \$ 158.00 |
| (344) Synthetic organic chemicals (13 classes) | \$1,131.00 |
| (345) Syrup-polarization | \$ 106.00 |
| (346) Thallium | \$ 33.00 |
| (347) Total chlorine residual | \$ 11.00 |
| (348) Total dissolved solids | \$ 11.00 |
| (349) Total hardness | \$ 8.00 |
| (350) Total solids | \$ 11.00 |
| (351) Total solids (lactometer) | \$ 7.00 |
| (352) Total solids-drying | \$ 17.00 |
| (353) Total suspended solids | \$ 27.00 |
| (354) Trihalomethanes (THM)- (liquid/liquid) | \$ 33.00 |
| (355) Trihalomethanes (THM)- (purge and trap) | \$ 79.00 |
| (356) Tritium (H3) | \$ 79.00 |
| (357) Turbidity | \$ 4.00 |
| (358) Unregulated volatile organics | \$ 173.00 |
| (359) Uranium | \$ 198.00 |
| (360) Urines for methylparathion | \$ 8.00 |
| (361) Vibrio cholerae identification and typing | \$ 150.00 |
| (362) Vibrio vulnificus identification | \$ 118.00 |
| (363) Vitamin A | \$ 158.00 |
| (364) Vitamins A and D | \$ 185.00 |
| (365) Vitamin D | \$ 158.00 |
| (366) Volatile organic chemicals (VOCs) (liquid/liquid) | \$ 33.00 |
| (367) Volatile organic chemicals (VOCs) (purge and trap) | \$ 172.00 |
| (368) Yersinia culture-environmental | \$ 30.00 |
| (369) Zinc | \$ 16.00 |
| (370) Zinc in foods | \$ 3.00 |
| (371) Any environmental chemistry and toxicology procedure not expressly stated will be charged based on the cost per unit of time (work time unit or WTU) as calculated by the fiscal department of the office of public health | \$ 1.75 |
| (372) Any environmental microbiology procedure not expressly stated will be charged based on the cost per unit of time (work time unit or WTU) as calculated by the fiscal department of the office of public health | \$ 1.75 |
| (373) Any research procedure not expressly stated will be charged based on the cost per unit of time (work time unit or WTU) as calculated by the fiscal department of the office of public health | \$ 1.75 |

D. The Department of Health and Hospitals may adopt rules and regulations in accordance with the Administrative Procedure Act to provide for the collection of fees required by the fee schedule provided in this Section. The rules may also provide for modification of the fee schedule, provided a fee shall not exceed the prevailing market price for the item.

Acts 1976, No. 346, § 1. Amended by Acts 1978, No. 786, § 5, eff. July 17, 1978; Acts 1997, No. 840, § 1, eff. July 1, 1997.

§30. Provisions of this Chapter not to affect Louisiana Department of Agriculture

Anything to the contrary notwithstanding, the provisions hereof shall not be construed to affect present laws and regulations administered by the Louisiana Department of Agriculture, particularly the provisions of R.S. 40:2277.* Acts 1976, No. 346, § 1.

*See, now, R.S. 3:4208.

§31. Costs of court not charged against state or parish health officers

The Department of Health and Human Resources, the parish health units, the state health officer, and the parish health officers are exempt from the payment of all costs of court and stenographers' fees in any suit in which any one of them is a party. However, in such a case, costs may be charged against any party, other than one of the above, cast in judgment, as though the above had not been exempt and had actually paid costs.

Acts 1976, No. 346, § 1. Amended by Acts 1978, No. 786, § 5, eff. July 17, 1978.

CHAPTER 2. VITAL STATISTICS LAWS
PART I. GENERAL PROVISIONS

§32. Definition of terms

As used in this Chapter, the following terms shall have the meanings ascribed to them in this Section unless otherwise provided for or unless the context otherwise indicates:

- (1) "Biological parents" means a husband and wife, joined by legal marriage recognized as valid in this state, who provide sperm and egg for in vitro fertilization, performed by a licensed physician, when the resulting fetus is carried and delivered by a surrogate birth parent who is a blood relative of either the husband or wife.
 - (2) "Dead body" means a lifeless human body or such severed parts of the human body, or the bones thereof, from the state of which it may be reasonably concluded that death has recently occurred.
 - (3) "Fetal death" means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy; the death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.
 - (4) "File" means the presentation of a vital record provided for in this Chapter for registration by the vital records registry.
 - (5) "Final disposition" means the burial, interment, cremation, removal from the state, or other authorized disposition of a dead body or fetus.
 - (6) "Funeral director or person acting as such" is a licensed funeral director or embalmer as defined in R.S. 37:831 et seq. or persons acting under the authority of the state health officer in accordance with R.S. 40:5.
 - (7) "Induced termination of pregnancy" (abortion) means the purposeful interruption of pregnancy with the intention other than to produce a live-born infant or to remove a dead fetus and if 1 such interruption does not result in a live birth.
 - (8) "Institution" means any establishment, public or private, which provides inpatient medical, surgical, or diagnostic care or treatment or nursing, custodial, or domiciliary care, or to which persons are committed by law.
 - (9) "Live birth" means a birth in which the child shows evidence of life after complete birth. A birth is complete when the child is entirely outside the mother, even if the umbilical cord is uncut and the placenta still attached. The words "evidence of life" include heart action, breathing, or movement of voluntary muscles.
 - (10) "Person in charge of interment" means any person who places or causes to be placed a deceased or stillborn child, dead body, or, after cremation, the ashes thereof, in the earth, a grave, tomb, vault, urn, or other receptacle, either in a cemetery or at any other place, or otherwise disposes thereof.
 - (11) "Physician" means a person authorized under the laws of this state to practice medicine.
 - (12) "Public health statistics unit" means that section which codes, tabulates, analyzes, reports, and coordinates vital records and other health status indicator data for the office of preventive and health services.
 - (13) "Registration" as otherwise qualified in rules and regulations means the acceptance of vital records by the vital records registry and the incorporation thereof into its official records.
 - (14) "Removal" means the transportation of a dead human body or the remains thereof from the jurisdiction of the state of Louisiana.
 - (15) "Signature" or "sign(ed)" means a written signature or an electronic signature.
 - (16) "Spontaneous fetal death" (stillbirth) means the expulsion or extraction of a product of human conception resulting in other than a live birth and 1 when the expulsion or extraction is not the result of an induced termination of pregnancy.
 - (17) "System of vital records" means the registration, collection, preservation, amendment, certification, and issuance of certified copies of vital records required by this Chapter and activities related thereto.
 - (18) "Vital records", "certificates", or "forms" means paper or electronic reports of birth, death, fetal death, marriage, divorce, dissolution of marriage, or annulment, and data related thereto.
 - (19) "Vital records registry" means a central registry as provided for in R.S. 40:33(A) which maintains the vital records archives and operates the system of vital records.
- Acts 1979, No. 776, § 1. Amended by Acts 1986, No. 876, § 1; Acts 1997, No. 1251, § 1, eff. July 15, 1997; Acts 2000, 1st Ex. Sess., No. 136, § 1.

1As appears in enrolled bill.

§33. Vital records registry; establishment; general authority and duties of state registrar

A. There is hereby established a central vital records registry within the office of preventive and public health services and a registrar of vital records for the state with an office properly equipped and operated for the safety and preservation of all vital records covering the births, deaths, marriages, divorce judgments, adoptions, and change of

names, made and received under this Chapter or under the regulations adopted by the Department of Health and Human Resources.

B. The vital records registry shall be directed by the state registrar who shall enforce this Chapter and the regulations made pursuant thereto and shall investigate all cases of irregularity in preparation and filing of vital records. Documents shall not be registered until such irregularities have been resolved.

C. Subject to the provisions of this Chapter, the secretary of the Department of Health and Human Resources shall make and amend, after due notice and hearing, in accordance with the provisions of the Administrative Procedure Act, regulations necessary for the efficient performance of a single adequate system of vital records for this state, and shall give instructions for collecting, transcribing, compiling, analyzing, reporting, preserving, and issuing certified copies of vital records.

D. The domicile of the vital records registry shall be in the parish of Orleans. All suits or mandamus actions brought against the registry shall be brought in the parish of Orleans.

E. The appointment of the state registrar shall be in accordance with the civil service law and regulations.

F. The state registrar, with the approval of the secretary of the Department of Health and Human Resources shall prescribe, print, and supply each parish with all certificate forms or reports provided for in this Chapter. The local registrar shall supply such forms to every hospital, clinic, almshouse, lying-in hospital, or other institution, public or private, including penal institutions, located in his registration district to which persons resort for treatment of disease or injury or for childbirth or are committed by process of law and to all physicians in his registration district.

G. Any person having knowledge of the facts shall furnish such information as he or she may possess regarding any birth, death, spontaneous fetal death, induced termination of pregnancy, marriage, or divorce, dissolution of marriage, or annulment, upon demand of the state registrar. Nothing in this Section or Chapter shall be construed to require the person charged by R.S. 40:45 with preparing birth certificates to make other than a reasonable effort, as defined in R.S. 40:44, to obtain missing information or signature.

H. It shall be the duty of the state registrar of vital records to report all deaths recorded in each parish to the state inheritance tax collector. The report shall be submitted weekly on a Monday following the reporting period.

Acts 1979, No. 776, § 1. Amended by Acts 1986, No. 876, § 1; Acts 1991, No. 820, § 1.

§34. Vital records forms

A. The certificate forms prescribed by the state registrar shall include, as a minimum, the items listed below and any others recommended by the national office in charge of gathering vital statistics. Only these forms shall be used in registering, recording, and preserving the vital information required by this Chapter. These forms shall be typewritten in black type or written in jet black ink. Additionally each certificate of a birth occurring in a licensed hospital shall be typewritten in black type or computer generated. Whenever a form is changed, the new form shall be furnished to the person charged with preparing it not less than thirty days prior to the date upon which the form shall be required to be used.

B. The forms shall be printed and supplied by the state registrar and the required contents are:

(1) Contents of birth certificate. The certificate of birth shall contain, as a minimum, the following items:

(a) Full name of child.

(i) If the child dies without a first name before the certificate is filed, enter the words "died unnamed" in this blank.

(ii) If the living child has not yet been given a first name at the date of filing of the certificate, leave blank the space for the first name of the child and supply the name later by affidavit.

(iii) Except as otherwise provided in Items (vi) and (vii) of this Subparagraph, the surname of the child shall be the surname of the husband of the mother if he was married to the mother of the child at the time of conception and birth of the child or had not been legally divorced from the mother of the child for more than three hundred days prior to the birth of the child, or, if both the husband and the mother agree, the surname of the child may be the maiden name of the mother or a combination of the surname of the husband and the maiden name of the mother.

(iv) If the child is an illegitimate child as provided in Civil Code Article 180, the surname of the child shall be the mother's maiden name, if the natural father is unknown. If the natural father is known, has acknowledged the child, and has agreed to a plan of support, the surname of the child shall be that of the natural father unless the mother and the natural father agree otherwise. If the natural father is known, but has not acknowledged the child or has not agreed to a plan of support, if the mother agrees, the surname of the child shall be that of the natural father. If both the mother and the natural father agree, the surname of the child may be a combination of the surname of the natural father and the maiden name of the mother. For purposes of this Item, "natural father" means a father whose child has been legitimated by subsequent marriage of the parents or by notarial act, or a father who has formally acknowledged his illegitimate child or who has been judicially declared the father in a filiation or paternity proceeding.

(v) Any change in the surname of a child from that required herein or to that allowed herein shall be by court order as provided for in R.S. 13:4751 through 4755 or as otherwise provided in this Chapter or by rules promulgated thereunder.

(vi) Notwithstanding the provisions of Item B(1)(a)(iii), if the father of the child is not the husband of the mother, the surname of the child may be the maiden name of the mother, or, if the mother, husband, and father agree, the surname of the child may be that of the father or a combination of the surname of the father and the maiden name of the mother. The Department of Health and Hospitals, office of public health, shall develop a form for the purposes of implementing this Item. However, the provisions of this Item shall be limited to cases wherein the husband and mother have lived separate and apart continuously for a minimum of one hundred eighty days prior to the time of conception of the child and have not reconciled since the beginning of the one hundred eighty-day period, as evidenced by an affidavit of the parties submitted to the registrar.

(vii) In the case of an otherwise legitimate child, the surname of the child's biological father who has been judicially declared to be the father of the child in a filiation or paternity proceeding initiated by the biological father shall be the surname of the child, except that if the biological father and the mother agree, the surname of the child shall be the maiden name of the mother or a combination of the surname of the biological father and the maiden name of the mother. If the filiation or paternity action is initiated by a person other than the biological father, it shall have no effect on the surname of the child unless a name change is included in the judgment. The child's mother, the husband of the mother, and the biological father shall be indispensable parties in a filiation or paternity proceeding brought under this Item, except when parental rights have been terminated or the person is deceased.

(viii) In the case of a child born of a surrogate birth parent who is a blood relative of a biological parent, the surname of the child's biological parents shall be the surname of the child.

(b) Sex.

(c) Time of birth.

(d) Date of birth, including the year, the month, and the day.

(e) Place of birth, including the street, and house number; if in a hospital or other institution, its name, instead of the street and house number.

(f) Whether a plural birth. A separate certificate is required for each child in a plural birth.

(g) If a plural birth, the number of each child in order of birth.

(h)(i) Full name of father if the father was the husband of the mother of the child at the time of conception and birth of the child or had not been legally divorced from the mother of the child for more than three hundred days prior to the birth of the child. If the husband of the mother was not the biological father of the child, the full name of the biological father may be recorded in accordance with the provisions of Item (vi) or (vii) of Subparagraph (a). A subsequent successful disavowal action by the husband of the mother or his heirs pursuant to Civil Code Article 189 may later affect this entry and the child's surname. Otherwise, the full name of the father may be recorded as provided by Item (iv) of Subparagraph (a).

(ii) Full name of father if a court has issued an adjudication of paternity.

(iii) In all other cases, the name of the father and other information pertaining to the father shall not appear on the birth certificate and the surname of the child shall be recorded as the maiden name of the mother.

(iv) Nothing in this Subparagraph shall preclude the Department of Social Services, office of family support, support enforcement services from obtaining an admission of paternity from the biological father for submission in a judicial proceeding, or prohibit the issuance of an order in a judicial proceeding which bases a legal finding of paternity on an admission of paternity by the biological father and any other additional showing required by state law.

(v) In the case of a child born of a surrogate birth parent who is a blood relative of a biological parent, the full name of the biological parent who is proven to be the father by DNA testing shall be listed as the father.

(i) Maiden name of mother; however, if the child was born of a surrogate birth parent who is a blood relative of a biological parent, the maiden name of the biological parent who is proven to be the mother by DNA testing shall be listed as the mother and the name of the surrogate birth parent is not required.

(j) In the case of a child born of a surrogate birth parent who is a blood relative of a biological parent, the biological parents proven to be the mother and father by DNA testing shall be considered the parents of the child.

(k) Respective age of parents on their last birthday, in years.

(l) Race or races of parents as reported by the parents.

(m) Residence of father and of mother.

(n) Birthplace of parents; at least the state or foreign country, if known.

(o) Number of children born to this mother, including present birth.

(p) Number of children born to this mother living.

(q) The certification of the attending physician, midwife, or other person in attendance, including a statement of the year, month, day, and hour of birth and whether the child was born alive or stillborn. This certification shall be signed by the physician, or midwife, or other person in attendance with the address and date of signature.

(r) The exact date of filing in the office of the local registrar, attested by his official signature.

(s) The social security account numbers issued to the mother and the father, if obtainable; however, these numbers shall not be printed on the child's birth certificate, but only as a part of vital records.

(2) Contents of death certificate. The certificate of death shall contain, as a minimum, the following items:

(a)(i) Full name of the decedent.

(ii) The social security number issued to the decedent, unless a social security number cannot be obtained.

(b) Sex.

(c) Race.

(d) Conjugal status; single, married, widowed, or divorced. If married, name of husband or wife.

(e) Age, in years, months, and days. If less than one day, in hours or minutes.

(f) Occupation, including any remunerative employment; the trade, profession, or particular kind of work; the general nature of the industry, business, or establishment in which employed.

(g) Residence number.

(h) Place of residence, including city or town and state; if of foreign birth, how long in the United States.

(i) Date of birth, including year, month, and day.

(j) Place of birth.

(k) Name and birthplace of father.

(l) Maiden name and birthplace of mother.

(m) Place of death, including street and house number; if in an industrial camp, its name.

(n) Name and address of the informant of the above items. The informant may be any competent person acquainted with the facts, attesting to the accuracy of the above items.

(o) Official signature of the local registrar, with the date when the certificate containing the above items was filed and the registered number of the certificate.

(p) Date and place of burial, cremation, or removal.

(q) Signature and address of undertaker, or person acting as such, on the statement of facts called for in Subparagraph (p).

(r) The medical certification of the physician, if any, last attending to the deceased, which certificate shall be made and signed by the physician within twenty-four hours of death with his name and address. In the absence of a physician, the parish coroner shall sign the certificate. In either event, the certification shall contain the following items:

(i) The fact and date of death, including year, month, day, and the time of the day.

(ii) Time in attendance.

(iii) Time he last saw the deceased alive.

(iv) Cause of death, showing the course of the disease or the sequence of causes resulting in the death; and contributory or secondary causes, the duration of each, and whether any primary or secondary causes of death are attributed to dangerous or insanitary conditions of employment. If the cause of death was violent, the certificate shall show the coroner's determination as to whether the death was probably accidental, suicidal, or homicidal.

(3) Contents of paternity acknowledgment affidavit. The state registrar shall develop an affidavit for the voluntary acknowledgment of paternity which includes the minimum requirements of the affidavit specified by the secretary of the Department of Health and Human Services under 42 U.S.C. 452(a)(7).

C. Upon request, the state registrar shall provide the information required in R.S. 40:34(B)(1)(r) and (2)(a) to the agency charged with implementing a program of family support in accordance with R.S. 46:236.1 et seq.

D. The state registrar of vital records is hereby authorized to amend an original birth certificate in accordance with a final court order which specifically orders the amendments, provided the court's order complies with existing Louisiana laws.

E.(1) If the child is an illegitimate child as provided in Civil Code Art. 180 and the natural father is known to the mother, she shall complete and sign a paternity information form issued by the Vital Records Registry which shall include the name and date of birth of the child, full name of the father, his mailing address, his street address or the location where he can be found, his date of birth, and the name of his parent or guardian if he is a minor, his state and city of birth, his social security number, and his place of employment, if known. Within fifteen days after the date of admission, the hospital or birthing facility shall forward the form to support enforcement services, office of family support, Department of Social Services, with such information as the mother has provided. If the birth occurred at a location other than a licensed hospital or birthing facility, the form shall be completed at the time the

home birth is recorded by the Vital Records Registry and submitted to support enforcement services within fifteen days thereafter. If the natural father has not executed an acknowledgment of paternity, the mother shall sign as the informant unless she is medically unable or mentally incompetent in which case her guardian or legal representative shall sign.

(2) The department shall serve notice on the alleged father that he has been named as the father of the child. If the alleged father is a minor, service shall be made upon his parent or guardian. The notice shall be served by certified mail, return receipt requested. The notice shall include the name of the child and the name of the mother of the child and shall advise the alleged father how the allegation of paternity can be contested. The notice shall also advise the alleged father that he can request that blood tests be conducted, and that the alleged father can sign an acknowledgment of paternity.

(3) Upon receiving the notice, the alleged father shall have ninety days to contest the allegation that he is the father. He shall do so by advising the department in writing that he is not the father. If the alleged father fails to contest the allegation in writing within ninety days, he shall be presumed to be the father of the child, for support purposes only, and the agency or the custodial parent can use this presumption in an action to seek a support order.

(4) If the alleged father contests paternity at the hearing for support, the court may order blood tests.

(5) If the results of the blood test indicate by a probability of 99.9% or higher that the alleged father is in fact the father of the child, or if the alleged parent fails to appear for the court-ordered blood tests, the court shall rule that he is the father of the child, for purposes of support only, and shall issue an order for support in accordance with state law.

(6) Nothing in this Subsection shall be deemed, construed, or interpreted to create any presumption of legal paternity for any purpose other than support as set forth in this Subsection.

(7) In the event the alleged father is found not to be the father, all costs of the hearing, medical costs, expert witnesses costs, and costs incurred by the alleged father defending himself shall be paid by the party who made the allegations against the alleged father.

Acts 1979, No. 776, § 1. Amended by Acts 1983, No. 624, § 1; Acts 1986, No. 621, § 1; Acts 1986, No. 876, § 1; Acts 1987, No. 343, § 1; Acts 1987, No. 360, § 1; Acts 1989, No. 819, § 1; Acts 1990, No. 238, § 1; Acts 1990, No. 349, § 1, eff. Oct. 1, 1990; Acts 1991, No. 688, § 1, eff. July 18, 1991; Acts 1991, No. 820, § 1; Acts 1993, No. 740, § 1; Acts 1993, No. 775, § 1, eff. Aug. 15, 1994; Acts 1995, No. 954, § 1; Acts 1997, No. 1252, § 1, eff. July 15, 1997; Acts 1998, 1st Ex. Sess., No. 8, § 4, eff. April 24, 1998; Acts 1999, No. 834, § 1, eff. July 2, 1999; Acts 2000, 1st Ex. Sess., No. 136, § 1.

{{NOTE: SEE ACTS 1993, NO. 775, § 3.}}

§35. Failure to complete medical certification

A medical certificate containing too many indefinite or unsatisfactory terms, as determined by the state registrar, denoting only symptoms of disease or conditions resulting from disease and the like, is insufficient for the issuance of a burial or removal permit. Any such certificate shall be returned for correction to the person making it and no certified copies shall be issued until completed properly.

Acts 1979, No. 776, § 1.

§36. State registrar as custodian

A. The state registrar of vital records is the custodian of all vital certificates and records in this state which heretofore may exist in any parish or municipality, or which may hereafter be received by him. He shall gather, compile, index, bind, and make provisions for the storage and preservation of these records.

B. The state registrar shall take every precaution to preserve all documents in their original form.

C. To preserve vital records, the state registrar is authorized to prepare accurate typewritten, photographic, electronic, or other reproductions of certificates or reports in the vital records registry. Such reproductions when certified by the state registrar shall be accepted as the original records.

D. The public health statistics unit as provided for in R.S. 40:32(5) shall provide reports containing analysis and tabulation of data derived from certificates and reports required under this Chapter, as determined necessary for health planning and program activities.

E. The state registrar may delegate such functions and duties vested in him or her to employees of the vital records registry.

F. The public health statistics unit shall submit to the secretary of the Department of Health and Human Resources, to the legislature, and to the governor an annual report which shall take the form of a compilation and recapitulation of the information received pursuant to this Section and shall include such information as required in accordance with the provisions of R.S. 40:65.

G. The state registrar of vital records may annually transfer and the secretary of state, division of archives, records management and history, is authorized to receive all birth records over one hundred years old and all records of

death, stillbirth, marriage, dissolution of marriage, and annulment over fifty years old which records shall be available for use by genealogists and the general public. Such records shall not be subject to the amendment or alteration provisions of this Chapter.

Acts 1979, No. 776, § 1. Amended by Acts 1986, No. 876, § 1; Acts 1990, No. 212, § 1.

§37. Local registrars; duties

The state registrar shall designate an employee of the office of public health to serve as the local registrar in each parish health unit. The state registrar shall serve as local registrar in Orleans Parish. All local registrars shall be responsible for completion of incomplete birth certificates not properly returned to the preparer and shall enforce the provisions of this Chapter and regulations adopted thereunder.

Acts 1991, No. 820, § 1.

§38. Certified copies, issuance

A certified copy of a vital record in the custody of the vital records registry shall be issued in accordance with regulations duly promulgated in accordance with the Administrative Procedure Act.

Acts 1979, No. 776, § 1. Amended by Acts 1986, No. 876, § 1.

§39. Issuance of short-form birth certification cards

A. The state registrar shall issue short form birth certification cards containing a true certification of name and birth facts as recorded on the original documents on file in the vital records registry, and for use as legal proof of the recorded facts of birth for all purposes.

B. Short-form birth certification cards and abstracts shall be issued only for those births registered with the central vital records registry within twelve years of the date of birth.

C. An applicant requesting the issuance of a "long-form" certified photocopy or certified record of the original birth record in lieu of the "short-form birth certificate card" may obtain it by submitting an application and appropriate fee.

Acts 1979, No. 776, § 1. Amended by Acts 1981, No. 657, § 1; Acts 1990, No. 237, § 1; Acts 1995, No. 722, § 1, eff. June 21, 1995.

§40. Fees for certified copies

Fees for filing, searching, and furnishing copies of vital records shall be determined as follows:

- (1) A fee of five dollars for the issuance of a short-form birth certification card.
- (2) A fee of eleven dollars for the issuance of a certified photocopy or certified record of an original birth record, or "long-form" copy.
- (3) A fee of seven dollars for the issuance of a regular death certificate.
- (4) A nonrefundable fee of eighteen dollars for filing a delayed certificate of birth or death.
- (5) A fee of five dollars for each certified copy of a delayed certificate of birth or death.
- (6) A fee of fifteen dollars for each marriage license and a fee of five dollars for each certified copy of a marriage certificate.
- (7) A fee of two dollars for each burial permit.
- (8) A nonrefundable fee of eighteen dollars for filing a legitimation or acknowledgment in connection with a certificate of birth on file.
- (9) A nonrefundable fee of eighteen dollars for filing an adoption judgment in connection with a certificate of birth on file.
- (10) A nonrefundable fee of eighteen dollars for filing of any correction of a birth or death certificate, except corrections that are initiated within ninety days of the filing date shall be made without charge.
- (11) A fee of five dollars for each certified copy of a certificate after amendment by the filing of a legitimation, acknowledgment, adoption, or correction.
- (12) In the event that there is no record on file, the fee shall be retained to cover time consumed in searching for any record.
- (13) Services provided to public bodies shall be subject to regulations duly promulgated in accordance with the Administrative Procedure Act.
- (14) Notwithstanding the provisions of any other Paragraphs of this Section to the contrary, in no case shall a fee be charged for the first certified copy of a birth certificate mailed to the address of the parent shown on the newborn child's birth certificate. This certified copy shall be mailed as soon as practical after the birth certificate has been accepted for registration and numbering. Fees for subsequent certified copies of birth certificates shall be charged in accordance with other Paragraphs of this Section.
- (15) A fee of ten dollars for each certified copy of an evidentiary document.
- (16) A fee of ten dollars for each certified copy of a divorce certificate.
- (17) A fee of ten dollars for issuance of a putative father registry certificate.

Acts 1979, No. 776, § 1. Amended by Acts 1982, No. 460, § 1; Acts 1983, No. 477, § 1, eff. Aug. 1, 1983; Acts 1985, No. 347, § 1, eff. July 9, 1985; Acts 1986, No. 876, § 1; Acts 1990, No. 237, § 1; Acts 1992, No. 461, § 1, eff. Sept. 1, 1992; Acts 1995, No. 1138, § 1, eff. June 29, 1995; Acts 2000, 1st Ex. Sess., No. 125, § 1, eff. July 1, 2000.

§41. Disclosure of records

A. All certificates in the custody of the state registrar are open to inspection, subject to the provisions of this Chapter. No employee of the state shall disclose data contained in vital records, except as authorized by this Chapter.

B. Disclosure of confidential birth information from which legitimacy or illegitimacy of birth of any child can be ascertained may be made only upon order of the court in any case where that information is necessary for the determination of personal or property rights and then only for that purpose; however, this Section shall not apply in any case where any sheriff or district attorney makes written request to the state registrar and upon receipt of such written request, such registrar shall make disclosure to any sheriff or district attorney requesting same, of the contents of records in their custody showing illegitimacy of birth and information from which legitimacy or illegitimacy of birth of any child might be ascertained.

C.(1) The state registrar shall not permit inspection of the records or issue a certificate, or any part thereof, unless he is satisfied that the applicant thereof is the person named in the certificate, or is a member of the immediate or surviving family of said person, or is named in a court proceeding as a member of the immediate or surviving family of said person, or is the beneficiary of an insurance policy or trust.

(2) The credentials of an attorney, together with a written declaration of the record in which he is interested, and that he is a legal representative of one of the above named parties at interest, or the name and title of the court proceeding in which the record is to be used, shall constitute sufficient proof of a direct interest in the matter recorded.

(3) The provisions of this Subsection shall not apply to marriage records.

(4) The provisions of this Subsection shall not apply to the release of birth rosters to local city and parish supervisors of child welfare and attendance; however, such birth information shall be kept confidential by the supervisors of child welfare and attendance and not used for any purpose other than the enforcement of the compulsory school attendance law.

(5) The state registrar shall issue a certified copy of a death certificate to a funeral director acting at the request of the immediate or surviving family up to one year following the date of death. Thereafter, the provisions of R.S. 40:41(C)(1) and (2) shall apply.

D.(1) The use of data contained in vital records may be made available for use in the administration of the programs of the department and to qualified researchers in accordance with rules and procedures established by the State Health Officer to insure that all identifying information is kept confidential.

(2) A panel of public health officials which shall include the State Health Officer, the state registrar, and the tumor registry administrator shall review each proposal for use of vital records in the administration of the programs of the department or in research to insure:

(a) That the proposal is in the best interest of the state or the public health of its citizens, and

(b) That those persons having access to vital records are either involved in the administration of the programs of the department or are well qualified to conduct research.

(3) Only those proposals which are certified by the panel as meeting these two standards shall be approved by the panel to use confidential vital records.

E. The registrar shall make available for inspection and copying and shall forward upon request copies of records of deaths to the Louisiana cancer registry program established pursuant to R.S. 40:1229.80 et seq.

F. The federal agency responsible for national vital statistics may be furnished such copies or data from the system of vital records as it may require for national statistics, provided such federal agency shares in the cost of collecting, processing, and transmitting such data, and provided further that such data shall not be used for other than statistical purposes by the federal agency unless so authorized by the state registrar.

G. The state registrar may, by agreement, transmit copies of records and other reports required by this Chapter to offices of vital statistics outside this state when such records or other reports relate to residents of those jurisdictions or persons born in those jurisdictions. The agreement shall require that the copies be used for statistical and administrative purposes only and the agreement shall further provide for the retention and disposition of such copies. Copies received by the vital records registry from offices of vital statistics in other states shall be handled in the same manner as prescribed in this Section.

H. The state registrar shall, pursuant to rules and regulations promulgated by the secretary of the Department of Health and Human Resources, transmit information from the death certificate of any state resident to each public agency from which the deceased received, or could have received, benefits. The Department of Public Safety and

Corrections shall be notified of the death of each state resident. Such information shall be limited to the name of the deceased, his address, the date of death, date of birth, and any other identifying information which may be necessary for the public agency to identify the deceased as a recipient of benefits.

I. The state registrar shall issue a certified copy of a birth or death certificate to any public retirement system, fund, or plan in the state of Louisiana upon written request of the respective retirement system for the following purposes:

(1) A certificate is required by the retirement system to determine if benefits are owed by or to the retirement system.

(2) The immediate or surviving family has refused to provide such certificate and refused to authorize the retirement system to request such certificate or if the birth or death certificate provided appears to be altered or forged.

Acts 1979, No. 776, § 1. Amended by Acts 1983, No. 437, § 1; Acts 1984, No. 885, § 1; Acts 1985, No. 811, § 1, eff. July 22, 1985; Acts 1985, No. 625, § 1; Acts 1986, No. 876, § 1; Acts 1987, No. 360, § 1; Acts 1990, No. 182, § 1; Acts 1992, No. 166, § 1, eff. July 1, 1992; Acts 1997, No. 369, § 1, eff. June 20, 1997.

§42. Evidentiary character of certificates

A. Except for delayed or altered certificates, every original certificate on file in the vital records registry is prima facie evidence of the facts therein stated. The names of parents as entered on birth and death records shall not be deemed to be prima facie evidence of the existence of a marriage between the said parents.

B. Certified copies of original certificates shall be admitted as evidence under the same conditions as the original certificate. Upon service of a subpoena at least seven days in advance of the return date, the state registrar shall forward a certified copy of the subpoenaed document, by certified mail, to the clerk of court or other lawful authority who issued the subpoena. A personal return with the original document shall not be required unless the court or other lawful authority, for good cause shown, orders the production of the original by a personal return by the state registrar or his designee.

Acts 1979, No. 776, § 1. Amended by Acts 1981, No. 657, § 1; Acts 1986, No. 876, § 1; Acts 1986, No. 621, § 2; Acts 1987, No. 341, § 1.

§43. Repealed by Acts 1987, No. 886, § 4, eff. Jan. 1, 1988.

§44. Compulsory registration of births; rejection of certificates

A.(1) A certificate of every childbirth shall be filed with the local registrar within fifteen days after birth in the parish in which the birth occurred or, at the direction of the state registrar, the certificate shall be filed directly with the central vital records registry. In the event that any information or signature required by this Chapter has not been obtained within the time allowed, the person responsible for preparing the certificate shall nevertheless file the certificate with such information and signatures as have been obtained and shall demonstrate that a reasonable effort has been made to obtain the missing information or signature. For the purposes of this Section, a request by certified mail to the last known address of the person or entity having the needed information or required to sign after an attempt to contact the person or entity by regular mail, telephone, or both, shall constitute reasonable effort.

(2) In the event that a signature other than the physician's signature has not been obtained, then the hospital shall also certify on a separate document that the information contained on the certificate accurately reflects the contents of the medical record. The state registrar or local registrar shall then sign the certificate in place of the missing signature.

B. No certificate shall be returned for completion which complies with this Section. No certificate which is otherwise accurate and legible shall be rejected for minor blemishes or aesthetic flaws, except that certificates which contain erasures, liquid paper, type-overs, or other evidence of alteration in the legal section shall not be accepted by the state registrar nor shall documents be accepted which are not machine readable due to information overlap with lines or text on the birth certificate form.

C. A certificate not in compliance with this Section or otherwise properly rejected shall be returned within fifteen days of receipt by the local registrar to the person charged by R.S. 40:45 with preparing it. That person shall, within fifteen days of receipt, obtain the missing information or signature or demonstrate that a reasonable effort has been made to obtain the missing information or signature.

Acts 1991, No. 820, § 1; Acts 1995, No. 617, § 1, eff. June 18, 1995.

§46. Legitimation

A. If any child born in this state is legitimated by the subsequent marriage of its parents, the state registrar, upon receipt of a copy of the marriage certificate of the parents together with a notarized statement of the husband acknowledging the child's paternity, shall prepare a new certificate of birth in the new name of the child wherein the child's surname shall be that of his father or if both the father and mother agree, the surname may be the maiden name of the mother or a combination of the surname of the husband and the maiden name of the mother.

B. If at the time of legitimation the child shall have reached the age of majority, the state registrar shall require an affidavit to be obtained from the district attorney of the place of residence and domicile of the said major child,

wherein the district attorney shall state any objections, if any exist, to the name change aspects, prior to the preparation of a new certificate of birth. If there be no objection by the district attorney, the state registrar shall issue a new certificate to the major child. If there be an objection, the state registrar may not proceed to prepare a new certificate until the district attorney's objection, if any, has been resolved.

C. The new certificate of birth shall be signed by the child's father prior to its recordation in the vital records registry and only after such signing and recordation may certified copies or short form birth certification cards be issued as in the case of all other birth records.

D. The child's original birth certificate and the evidence upon which the new certificate was made shall be sealed in a package or envelope and filed in the archives of the vital records registry of the division of vital records. This sealed package or envelope may be opened only pursuant to an order of the civil district court for good cause.

E. Upon presentation of any other form of legitimation or acknowledgment permitted by the laws of this state, together with a request for an alteration of an original certificate of birth, the matter will be processed in accordance with rules and regulations of the vital records registry promulgated pursuant to R.S. 40:33(C).

Acts 1979, No. 776, § 1. Amended by Acts 1983, No. 624, § 1; Acts 1986, No. 876, § 1.

§47. Compulsory registration of deaths and spontaneous fetal deaths (stillbirths)

A. A certificate of every death and every spontaneous fetal death except as noted in R.S. 40:49(B)(9) shall be filed with a registrar within five days after its occurrence. If the place of death or spontaneous fetal death is not known, the certificate shall be filed with the state registrar within five days after the finding of the body. In any case, a certificate shall be filed prior to interment, cremation, removal, or other disposition of the body. The place where the body is found shall be known as the place of death. If the date of death is unknown, it shall be determined by approximation.

B. When spontaneous fetal death, required to be reported by this Section, occurs without medical attendance at or immediately after the delivery or when inquiry is required by R.S. 40:34(A)(2)(r)(iv)* the coroner shall investigate the cause of death and shall prepare and file the certificate within five days.

C. When a spontaneous fetal death occurs in a moving conveyance and the fetus is first removed from the conveyance in this state or when a dead fetus is found in this state and the place of fetal death is unknown, the fetal death shall be reported in this state. The place where the fetus was first removed from the conveyance or the dead fetus was found shall be considered the place of fetal death.

Acts 1979, No. 776, § 1; Acts 1986, No. 876, § 1.

*See, now, R.S. 40:34(B)(2)(r)(iv)

§49. Preparation and filing of death and spontaneous fetal death certificate (stillbirth)

A. The funeral director or person acting as such shall prepare and file the certificate of death or spontaneous fetal death or stillbirth provided for in R.S. 40:48.

B. In preparing a certificate of death or spontaneous fetal death or stillbirth, he shall:

(1) First obtain and enter on the certificate the personal data required by the state registrar from the person best qualified to supply such data.

(2) Except as provided in Paragraph (4) of this Subsection, if the death occurred with medical attendance, present the certificate of death to the physician last in attendance upon the deceased, who shall certify over his signature within twenty-four hours the cause of death to his best knowledge and belief; or, if the spontaneous fetal death occurred with any person in attendance, present the certificate of spontaneous fetal death to the physician, midwife, or other person in attendance at the spontaneous fetal death for the certification of the fact of spontaneous fetal death and such medical data pertaining to the spontaneous fetal death as the physician or midwife can furnish in his professional capacity.

(3) Except as provided in Paragraph (4) of this Subsection, if the death occurred without medical attendance, or if the physician or midwife or other person last in attendance at the death or spontaneous fetal death refuses or for any reason fails to sign the certificate, immediately notify the appropriate local registrar. The local registrar shall, prior to issuing a permit for burial, cremation, or other disposition of the body, inform the coroner, and refer the case to him for immediate investigation and certification of the information required under Paragraph (2) of this Subsection. Provided, however, that nothing in this Section shall be construed to require an investigation, autopsy or inquest in any case where death occurred without medical attendance solely because the deceased was under treatment by prayer or spiritual means alone in accordance with the tenets and practices of a recognized church or religious denomination, and under such eventualities, the death certificate may be completed on the basis of information received from persons having knowledge of the facts.

(4) Whether the death or spontaneous fetal death occurred with or without medical attendance, if the circumstances of the case suggest that the death or spontaneous fetal death was caused by other than natural causes, the local registrar shall refer the case to the coroner or medical examiner for investigation and certification.

- (5) When death occurs more than ten days after the decedent was last treated by a physician, the case shall be referred to the coroner for investigation to determine and certify the cause of death.
- (6) When inquiry is required by the coroner, he shall determine the cause of death and shall complete and sign the medical certification within forty-eight hours after taking charge of the case.
- (7) If the cause of death cannot be determined within forty-eight hours after death, the attending physician or coroner shall give the funeral director or person acting as such notice of the reason for the delay, and final disposition of the body shall not be made until authorized by the attending physician or coroner.
- (8)(a) When a death is presumed to have occurred on a specific date and at a specific time and place within this state but the body cannot be located, a death certificate may be prepared by the state registrar upon receipt of an order of a Louisiana court of competent jurisdiction following a contradictory proceeding brought against the district attorney in the parish of the presumed place of death. The court shall require such clear and convincing proof as it deems necessary and in accordance with the provisions of Louisiana Civil Code Articles 60, 61, 1852, and 1957, and, if applicable, in further accord with R.S. 9:1441-1443. The court's judgment shall include the finding of sufficient facts to complete the essential parts of the death certificate.
- (b) A certified copy of the petition shall accompany a certified copy of the judgment presented to the state registrar, along with a fee of ten dollars for filing and preparation of the presumptive death certificate, plus a fee of five dollars for each certified copy of the presumptive death certificate after the original document has been completed and recorded in the vital records registry.
- (c) Such a death certificate shall be clearly marked or stamped "presumptive" and shall show on its face the date of registration and shall identify the court and the date of decree.
- (9) Each spontaneous fetal death of twenty complete weeks gestation or more, calculated from the date last normal menstrual period began to the date of delivery, or a weight of three hundred fifty grams or more, which occurs in this state shall be reported within five days after delivery to the vital records registry or as otherwise directed by the state registrar.
- (10) When a dead fetus is delivered in an institution, the person in charge of the institution or his or her designated representative shall prepare and file the spontaneous fetal death (stillbirth) certificate.
- (11) When death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in this state, the death shall be registered in this state and the place where it is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in this state, the death shall be registered in this state but the certificate shall show the actual place of death insofar as can be determined.
- (12) The medical certification shall be completed, signed, and returned to the funeral director, if applicable, within twenty-four hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death, except when a coroner's inquiry is required. In the absence of the physician or with his or her approval the certificate may be completed and signed by his or her associate physician, the chief medical officer of the institution in which death occurred, the physician who performed an autopsy upon the decedent, or the coroner, provided such individual has access to the medical history of the case, views the deceased at or after death, and death is due to natural causes.

Acts 1979, No. 776, § 1; Acts 1986, No. 876, § 1; Acts 1987, No. 342, § 1.

1For the subject matter of former C.C. Arts. 60 and 61, see, now, C.C. Art. 54.

§50. Issuance of death certificates; duties of state registrar

A. Notwithstanding any other provision of law to the contrary, the funeral director or other person required by law to initiate a death certificate shall initiate such certificate in original only, and shall file the original with a local registrar. The local registrar of each parish shall retain this original in his office for a period of ten days from the date the certificate is filed.

B. If no certified copy has been issued or if all certified copies issued have been returned and destroyed by him, a local registrar, upon receipt of documentary evidence or affidavit of the original informant, may make corrections on these certificates during this ten-day period, provided that no changes or corrections may be made as to the time of death or cause of death.

C. A local registrar may issue certified copies of any death certificate during the ten day period it is retained by him, and the certification of the local registrar shall have the same legal effect as certification by the state registrar, as otherwise provided by law. The local registrar shall forward each death certificate to the state registrar on the tenth day after the certificate is filed with him. Each month the state registrar shall notify each parish registrar of voters as to the name, address and age of each resident of that parish over eighteen years of age for whom a death certificate has been received.

Acts 1979, No. 776, § 1; Acts 1986, No. 876, § 1.

§51. Delayed determination of cause of death

If the cause of death cannot be determined within three days after death, the certification of the cause of death may be returned after the prescribed period, but the attending physician or coroner shall notify the local registrar of the parish in which the death occurred, in writing, of the reason for the delayed certification of the cause of death, in order that a permit for the disposition of the body may be issued.

Acts 1979, No. 776, § 1.

§52. Permit for removal, burial, or other disposition of body; death in state; requirements to obtain death certificate before removing body

When a death or spontaneous fetal death (stillbirth) occurs in this state or when a dead human body is found, the deceased, stillborn child, or dead human body shall not be interred, deposited in a vault or tomb, cremated, or otherwise disposed of until a permit for burial, removal, or other disposition has been issued by a local registrar. However, the dead human body shall not be removed from the state until the death certificate has been completed by the parish coroner or a physician as required in R.S. 40:34(2)(r).

Acts 1979, No. 776, § 1.

§53. Foreign permits; death outside state

When the death or spontaneous fetal death (stillbirth) occurred outside this state and the body is accompanied by a permit for burial, removal, or other disposition issued in accordance with the law and the regulations in force at the place where the death or stillbirth occurred, the body may be transported into or through this state. However, before the interment, cremation, or other disposal of the body within the state, the out of state permit shall be endorsed by the local registrar. The local registrar shall keep an appropriate record of all such permits endorsed by him.

Acts 1979, No. 776, § 1.

§54. Prerequisites for permit

No permit for burial, cremation, removal, or other disposition shall be issued by a local registrar until a certificate of death or stillbirth, as far as it can be completed under the circumstances of the case, has been filed with him, and until all the regulations of the Department of Health and Human Resources in respect to the issuance of the permit have been complied with. No permit shall be issued which would be contrary to the sanitary laws of the state.

Acts 1979, No. 776, § 1.

§55. Marriage certificate; compulsory registration of marriages

The marriage certificate is the record prepared for every marriage on a form approved by the state registrar. It shall contain the information prescribed. On the face of the certificate shall appear the certification to the fact of marriage, signed by the parties to the marriage and by the witnesses, and the signature and title of the officiant.

Every officiant of a marriage ceremony performed in this state shall sign a certificate of marriage in triplicate.

Acts 1979, No. 776, § 1.

§56. Repealed by Acts 1987, No. 886, § 4, eff. Jan. 1, 1988.

§57. Divorce certificate; registration of divorces and annulments

For every divorce and every annulment of marriage decreed by any court, the clerk of the court shall prepare, within ten days after the decree becomes final, from the court records, a certificate of the decree on forms furnished by the state registrar.

On or before the fifteenth day of each calendar month, the clerk shall forward the certificates which were prepared by him during the preceding calendar month to the state registrar.

Acts 1979, No. 776, § 1.

§58. Fee of clerk of court for divorce and annulment report

Every clerk of court acting under the previous Section shall receive a fee for each certificate prepared and forwarded by him to the state registrar. This fee shall be included and collected as court costs for the divorce or annulment.

Acts 1979, No. 776, § 1.

§59. Delayed or altered certificates; allowed subject to department regulations

The acceptance for filing by the state registrar of any certificate more than six months after the time prescribed for its filing and any alteration of any certificate after it is filed with the state registrar is subject to regulations in which the secretary of the Department of Health and Human Resources shall prescribe in detail the proofs to be submitted by any applicant for delayed filing or for an alteration of a certificate. Notwithstanding regulations of the department regarding the proofs necessary for the alteration of a certificate, the state registrar shall permit alteration or correction of information supplied by the informant with the exception of the name of the surviving spouse on a death certificate within one year from the date of death. This shall not apply to typographical errors in the name of the spouse. Other errors may be corrected upon presentation of an affidavit stating the errant information and the correction thereto and bearing the signature of the informant, or if unavailable the signature of a member of the

immediate family, unless the information was taken from hospital or other records, in which case, an affidavit executed by a member of immediate or surviving family of the deceased shall be sufficient. After one year from the date of death, all alterations and corrections shall comply with departmental regulations promulgated pursuant to this Section.

Acts 1979, No. 776, § 1; Acts 1987, No. 360, § 1.

§60. Handling of delayed or altered certificate

A.(1) Certificates accepted for filing more than six months after the time prescribed for their filing and certificates, other than birth certificates, which have been altered after being filed with the state registrar shall contain the date of the delayed filing or the date of the alteration and be marked distinctly "delayed" or "altered".

(2) All alterations of birth certificates shall be accomplished by preparation of a new birth certificate on which the altered information is entered. The new certificate shall have the original file number and be annotated at the top of the document with the word "Amended". The original birth certificate shall indicate such alterations by the interlinear method of drawing a line through the old information and entering the new information. The line shall not obscure the original information. Thereafter, the certificate shall be distinctly marked "altered". Thereafter, when a verified certification of birth is issued, it shall be based upon the new certificate, except when an order of a court of competent jurisdiction shall require the issuance of a verified transcript or certification based upon the original record of birth.

B. After a certificate has been accepted for delayed filing or after a certificate on file has been altered, the state registrar shall note on the certificate a summary statement of the evidence submitted in support of the acceptance for delayed filing or the alteration, together with the alteration made.

C. Evidence affecting delayed certificates or affecting the alteration of a certificate after it has been filed with the state registrar shall be kept in a special permanent file.

D. Upon receipt of a certified copy of an order of a court of competent jurisdiction changing the name of a person born in this state and upon request of such person or, if a minor, of both his parents, guardian, or legal representative, the state registrar shall prepare a new birth certificate on which the new information is entered and which shall have the original file number and be annotated at the top of the document with the word "Amended". The registrar shall then amend the certificate of birth to show the new name on the original certificate as provided in rules and regulations promulgated by the department.

E.(1) When an applicant does not submit the minimum documentation required in the regulations for amending a vital record or when the state registrar has reasonable cause to question the validity or adequacy of the applicant's sworn statements or the documentary evidence, and if the deficiencies are not corrected, the state registrar shall not amend the vital record and shall advise that applicant of the reason for this action and shall further advise the applicant of the right to seek a court order in a contradictory proceeding against the state registrar of vital records brought in a Louisiana court of competent jurisdiction at the domicile of the vital records registry.

(2) The petitioner's burden of proof in such proceedings shall be to show by a preponderance of the evidence that the vital record on file with the vital records registry is incorrect or contains inaccurate information and that such vital record should be altered to show the correct or accurate information.

F. To protect the integrity of vital records and to prevent the fraudulent use of birth certificates of deceased persons, the state registrar is hereby authorized to match birth and death certificates, in accordance with written standards promulgated by the secretary of the Department of Health and Human Resources to prove beyond a reasonable doubt the fact of death, and to stamp "deceased" and date the appropriate birth certificate. Copies issued from birth certificates marked deceased shall be similarly marked.

Acts 1979, No. 776, § 1. Acts 1983, No. 624, § 1; Acts 1986, No. 876, § 1; Acts 1991, No. 597, § 1, eff. July 1, 1992.

§61. Penalties

A. A fine of not more than ten thousand dollars or imprisonment of not more than five years, or both, shall be imposed on:

(1) Any person who willfully and knowingly makes any false statement in a certificate, record, or report required by this Chapter, or in an application for a certified copy of a vital record, or who willfully and knowingly supplies false information intending that such information be used in the preparation of any such report, record, or certificate, or amendment thereof; or

(2) Any person who without lawful authority and with the intent to deceive, makes, counterfeits, alters, amends, or mutilates any certificate, record, or report required by this Chapter or a certified copy of such certificate, record, or report; or

(3) Any person who willfully and knowingly obtains, possesses, uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish to another, for any purpose of deception, any certificate, record, or report required by this

Chapter or certified copy thereof so made, counterfeited, altered, amended, or mutilated, or which is false in whole or in part or which relates to the birth of another person, whether living or deceased; or

(4) In addition to dismissal proceedings pursuant to state civil service regulations, any employee of the vital records registry or office of preventive and public health services who willfully and knowingly furnishes or processes a certificate of birth, or certified copy of a certificate of birth, with the knowledge or intention that it be used for the purposes of deception; or

(5) Any person who without lawful authority possesses any certificate, record, or report, required by this Chapter or a copy or certified copy of such certificate, record, or report knowing same to have been stolen or otherwise unlawfully obtained.

B. A fine of not more than one thousand dollars or imprisonment of not more than one year, or both, shall be imposed on:

(1) Any person who willfully and knowingly refuses to provide information required by this Chapter or regulations adopted hereunder; or

(2) Any person who willfully and knowingly transports or accepts for removal, interment, or other disposition a dead body without an accompanying permit as provided in this Chapter; or

(3) Any person who willfully and knowingly neglects or violates any of the provisions of this Chapter or refuses to perform any of the duties imposed upon him or her by this Chapter.

Acts 1979, No. 776, § 1; Acts 1986, No. 876, § 1.

PART II. BIRTH RECORD AFTER CHANGE IN SEX DESIGNATION

§62. Issuance of new birth certificate after anatomical change of sex by surgery

A. Any person born in Louisiana who has sustained sex reassignment or corrective surgery which has changed the anatomical structure of the sex of the individual to that of a sex other than that which appears on the original birth certificate of the individual, may petition a court of competent jurisdiction as provided in this Section to obtain a new certificate of birth.

B. Suits authorized by this Section shall be filed contradictorily against the state registrar in the judicial district court having jurisdiction over the parish in which the petitioner resides or over the parish in which the petitioner was born. A nonresident born in Louisiana shall file the petition in the parish of birth. The suit of any petitioner born in Louisiana shall be filed contradictorily against the state registrar. In the event the petitioner is married, the spouse shall also be a necessary party to the suit. To the extent that the petitioner's name is to be changed, the district attorney shall also be a necessary party. In all cases the petition shall be accompanied by a certified copy of the petitioner's original birth record, in which case the short-form birth certificate card shall not be sufficient.

C. The court shall require such proof as it deems necessary to be convinced that the petitioner was properly diagnosed as a transsexual or pseudo-hermaphrodite, that sex reassignment or corrective surgery has been properly performed upon the petitioner, and that as a result of such surgery and subsequent medical treatment the anatomical structure of the sex of the petitioner has been changed to a sex other than that which is stated on the original birth certificate of the petitioner.

If the court shall find that the evidence sustains the required proof, the court shall render a judgment ordering the issuance of a new birth certificate changing the sex designated thereon from that shown upon the petitioner's original certificate of birth. The petitioner may in the same suit seek to have the name of the petitioner changed, and the court may render judgment in accordance with law upon this additional petition at the same time.

D.(1) A certified copy of the petition and judgment for a new certificate pursuant to this Section shall be furnished to the state registrar of vital records at New Orleans within ten days after the judgment is rendered. The registrar shall issue to the petitioner a new certificate or certified copy thereof; whereupon the original birth certificate and the copy of the petition and judgment received by the registrar shall be sealed in a package and filed in the archives of the vital records registry.

(2) This sealed package shall be opened only upon demand of the individual to whom the new certificate was issued, and then only by order of the court which rendered the judgment ordering the issuance of the new certificate.

Acts 1979, No. 776, § 1; Acts 1986, No. 876, § 1.

PART III. ABORTIONS, DEATHS

§63. Abortion, induced termination of pregnancy; purpose

The purpose of this Part shall be the compilation of relevant maternal life and health factors and data concerning abortions which may be used in the improvement of maternal health and life. The further purpose and function of

this Part shall be to serve as a monitor on all induced terminations of pregnancies performed in the state of Louisiana to assure that they are performed only in accordance with the provisions of law.

Acts 1979, No. 776, § 1.

§64. Forms for collection of data

The state registrar shall prescribe forms for the collection of information and statistics with respect to abortions.

Such forms shall require, but not be limited to, the following information:

- (1) The age, marital status, and state and parish (county) of residence of the woman who is aborted.
- (2) The place where the abortion is performed.
- (3) The full name and address of the physician or physicians performing the abortion.
- (4) The age, marital status, and state and parish (county) of residence of the father, if known.
- (5) Medical reason for the abortion.
- (6) Medical procedure employed to procure the abortion.
- (7) The length of the aborted fetus.
- (8) The weight of the aborted fetus.
- (9) Other significant conditions of the fetus and mother; and
- (10) The results of pathological examinations of all aborted fetuses, as required by R.S. 40:1299.35.4.

Acts 1979, No. 776, § 1; Acts 1986, No. 876, § 1.

§65. Completion of forms; filing with vital records registry

The information required by the form for which provision is made in R.S. 40:64 shall be completed by the physician or physicians performing the abortion in each case in which an abortion is performed. Such completed form shall be transmitted by the physician or physicians to the vital records registry within fifteen days of the performing of such abortion.

Acts 1979, No. 776, § 1; Acts 1986, No. 876, § 1.

§66. Failure to complete form; penalty

Failure to complete such form as required in R.S. 40:65 shall be a misdemeanor punishable by imprisonment for ninety days in jail or by a five hundred dollar fine, or both. Such failure to complete such form and to timely transmit same shall be admissible as evidence that the unreported abortion was illegal.

Acts 1979, No. 776, § 1.