

2023 Regular Session

HOUSE BILL NO. 5

BY REPRESENTATIVES FRIEMAN, AMEDEE, BACALA, CREWS, EDMONDS,  
EMERSON, GAROFALO, HARRIS, HILFERTY, HORTON, JEFFERSON,  
KNOX, LAFLEUR, MACK, MCFARLAND, SEABAUGH, STAGNI, THOMAS,  
AND WHITE

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

PATERNITY: Provides relative to pregnancy-related medical expense obligations

1 AN ACT

2 To amend and reenact the heading of Part 1-B of Chapter 1 of Code Title VII of Book I of  
3 Title 9 of the Louisiana Revised Statutes of 1950 and to enact R.S. 9:399.2, relative  
4 to paternal obligations; to provide relative to pregnancy-related medical expenses;  
5 to provide relative to evidence of paternity; to provide for peremption; and to provide  
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. The heading of Part 1-B of Chapter 1 of Code Title VII of Book I of Title  
9 9 of the Louisiana Revised Statutes of 1950 is hereby amended and reenacted and R.S.  
10 9:399.2 is hereby enacted to read as follows:

11 PART I-B. ESTABLISHMENT OF ~~CHILD~~ SUPPORT  
12 IN PATERNITY PROCEEDING

13 \* \* \*

14 §399.2. Effect of paternity on pregnancy-related medical expenses

15 A. The biological mother of a child may institute an action against the  
16 biological father of the child to recover fifty percent of documented out-of-pocket  
17 pregnancy-related medical expenses. The biological mother may institute the action  
18 only after the paternity of the child has been proven by clear and convincing  
19 evidence, as provided by Part I-A of this Title.

1           B. Only the following out-of-pocket pregnancy-related medical expenses  
 2           may be recovered by the biological mother from the biological father:

3           (1) Actual medical expenses, including hospital, testing, nursing,  
 4           pharmaceutical, travel, or other expenses, incurred by the biological mother for  
 5           prenatal care and those medical expenses incurred by the biological mother and child  
 6           incident to birth.

7           (2) Any additional expense authorized by order of the court upon a specific  
 8           finding that the expense is reasonable and necessary.

9           C. The action by the biological mother shall be instituted within a  
 10          peremptive period of two years from the day of the birth of the child.

#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 5 Reengrossed

2023 Regular Session

Frieman

**Abstract:** Provides for the payment of out-of-pocket pregnancy-related medical expenses from the biological father.

Proposed law provides that the biological mother of a child may recover 50% of documented out-of-pocket pregnancy-related medical expenses from the biological father of the child.

Proposed law provides that the biological mother may institute the action only if the paternity of the child has been proved by clear and convincing evidence.

Proposed law provides for examples of recoverable out-of-pocket medical expenses including actual medical expenses incurred by the biological mother for prenatal care, those incurred by the biological mother and child incident to birth, and any additional expense authorized by order of the court if found to be reasonable and necessary.

Proposed law provides that the action shall be instituted within a peremptive period of two years from the day of the birth of the child.

(Amends the heading of Part 1-B of Chapter 1 of Code Title VII of Book I of Title 9 of the La. Revised Statutes of 1950; Adds R.S. 9:399.2)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Make technical changes to the structure of the bill.
2. Provide examples of actual medical expenses and allow for additional reasonable and necessary expenses as ordered by the court.