AN ACT

To amend and reenact R.S. 40:1061.10(D)(2), 1061.16(B), 1061.17(B)(3), (4)(b), (5), (6), and (8), and 1061.18(D), relative to regulation of abortion; to revise the time period prescribed for certain activities that are required to occur prior to an abortion; to provide for the time required to elapse between performance of an obstetric ultrasound and performance of an abortion; to provide for the time required to elapse between delivery of certain information to a woman seeking an abortion and performance of the abortion; to provide relative to conditions for consent to an abortion to be deemed voluntary and informed; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1061.10(D)(2), 1061.16(B), 1061.17(B)(3), (4)(b), (5), (6), and (8), and 1061.18(D) are hereby amended and reenacted to read as follows:

§1061.10. Abortion by physician; determination of viability; ultrasound test required; exceptions; penalties

* * *

D. Ultrasound Requirements. Except in the case of a medical emergency, and in addition to the provisions of R.S. 40:1061.17, consent to an abortion of an unborn child at any stage of gestational development is voluntary and informed only
if an obstetric ultrasound is performed in accordance with the provisions of this
Section.

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(2)(a) Requirements. At least twenty-four Except as provided in
Subparagraph (b) of this Paragraph, at least seventy-two hours prior to the woman
woman's having any part of an abortion performed or induced, and prior to the
administration of any anesthesia or medication in preparation for the abortion on the
woman, the physician who is to perform the abortion or a qualified person who is the
physician's agent shall comply with all of the following requirements:

(i) Perform an obstetric ultrasound on the pregnant woman;
simultaneously display the screen which depicts the active ultrasound images so that
the pregnant woman may view them; and make audible the fetal heartbeat, if present,
in a quality consistent with current medical practice. Nothing in this Section shall
be construed to prevent the pregnant woman from not listening to the sounds
detected by the fetal heart monitor, or from not viewing the images displayed on the
ultrasound screen.

(ii) Provide a simultaneous and objectively accurate oral explanation of
what the ultrasound is depicting, in a manner understandable to a layperson, which
shall include the presence and location of the unborn child within the uterus and the
number of unborn children depicted, the dimensions of the unborn child, and the
presence of cardiac activity if present and viewable, along with the opportunity for
the pregnant woman to ask questions.

(iii) Offer the pregnant woman the option of requesting an ultrasound
photograph or print of her unborn child of a quality consistent with current standard
medical practice that accurately portrays, to the extent feasible, the body of the
unborn child including limbs, if present and viewable.

(iv) Prior to the ultrasound, obtain from the pregnant woman a copy of
a completed, signed, and dated election form. The election form shall be produced
and made available by the department, and shall state as follows:

"Ultrasound Before Abortion Notice and Election Form"
Louisiana law requires an ultrasound examination prior to the performance of an abortion. By signing below, I certify that I understand the following:

(1) I have the option to look at or look away from the ultrasound display at any time.

(2) I have the option to listen to the heartbeat of the unborn child that is required to be made audible unless I decline by initialing here: ________________.

(3) I am required by law to hear an oral explanation of the ultrasound images, unless I certify below that I am pregnant due to an act of rape or crime against nature as defined by R.S. 14:89(A)(2).

(4) I have the option to ask and receive answers to any questions about the images of the unborn child.

(5) I have the option to ask for an ultrasound photographic print depicting the unborn child.

__________________________________________
Signature Date

OPTION FOR WOMEN WHO HAVE FILED LAW ENFORCEMENT REPORTS:

I certify that I have reported an act of rape or crime against nature as defined by R.S. 14:89(A)(2) to law enforcement officials, and that I decline to hear an oral explanation of the ultrasound images.

__________________________________________
Signature Date

Orally read the following statement to the pregnant woman in the ultrasound examination room prior to beginning the ultrasound examination, and certify by signature on a form that shall be produced and made available by the department that the following statement was delivered orally:

"During this ultrasound examination, you have the right to an oral explanation of the results. You have the option to view the images on the ultrasound screen. The heartbeat of the unborn child, if present, will be made audible, unless you declined on the election form. You have the right to receive answers to any
questions you ask about your ultrasound examination. You have the right to receive
an ultrasound photographic print, which will be provided at your request."

(f) (vi) Retain copies of the election form and certification prescribed by
Subparagraphs (d) and (e) of this Paragraph Items (iv) and (v) of this Subparagraph.
The certification shall be placed in the medical file of the woman and shall be kept
by the abortion provider for a period of not less than seven years. If the woman is a
minor, the certification shall be placed in the medical file of the minor and kept for
at least seven years or for five years after the minor reaches the age of majority,
whichever is greater. The woman's medical files shall be kept confidential as
provided by law.

(b) If the pregnant woman certifies in writing that she currently lives one
hundred fifty miles or more from the nearest licensed outpatient abortion facility to
her residence, then the physician who is to perform the abortion or a qualified person
who is the physician's agent shall comply with all of the requirements of
Subparagraph (a) of this Paragraph at least twenty-four hours prior to the woman
having any part of an abortion performed or induced.

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§1061.16. Information on psychological impacts, illegal coercion, abuse, and human
trafficking required prior to abortion; task force on information resources
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B.(1) At least twenty-four Except as provided in Paragraph (2) of this
Subsection, at least seventy-two hours prior to undergoing an elective abortion as
defined in R.S. 40:1061.9, and as a condition for consent to the abortion to be
deemed voluntary and informed, the woman or minor female considering abortion
shall be given a copy of the printed materials described in this Section by the
physician who is to perform the abortion or a qualified person as defined in R.S.
40:1061.17(B)(4)(c), except in the case of medical emergency as provided in R.S.
40:1061.23.

(2) If the woman or minor female considering abortion certifies in writing
that she currently lives one hundred fifty miles or more from the nearest licensed
outpatient abortion facility to her residence, then she shall be given a copy of the
printed materials described in this Section at least twenty-four hours prior to an
elective abortion procedure by the physician who is to perform the abortion or a
qualified person as defined in R.S. 40:1061.17(B)(4)(c), except in the case of
medical emergency as provided in R.S. 40:1061.23.

§1061.17. Woman's Right To Know

B. Informed consent; requirements. After a woman is determined to be
pregnant, no abortion shall be performed or induced without the voluntary and
informed consent of the woman upon whom the abortion is to be performed or
induced. Except in the case of a medical emergency, consent to an abortion is
voluntary and informed if and only if:

(3)(a) Oral information from the physician. At least twenty-four hours
except as provided in Subparagraph (b) of this Paragraph, at least seventy-two hours before the
abortion, the physician who is to perform the abortion or the referring physician has
informed the woman, orally and in person, of:

(i) The name of the physician who meets the requirements of R.S.
46:1061.10(A) and who will perform the abortion.

(ii) A description of the proposed abortion method and of those risks
(including risks to the woman's reproductive health) and alternatives to the abortion
that a reasonable patient would consider material to the decision of whether or not
to undergo the abortion.

(iii) The probable gestational age of the unborn child at the time the
abortion is to be performed; and, if the unborn child is viable or has reached the
gestational age of twenty-four weeks and the abortion may be otherwise lawfully
performed under existing law, that:

(aa) The unborn child may be able to survive outside the womb.
(ii) (bb) The woman has the right to request the physician to use the method
of abortion that is most likely to preserve the life of the unborn child.

(iii) (cc) If the unborn child is born alive, that attending physicians have the
legal obligation to take all reasonable steps necessary to maintain the life and health
of the child.

(iv) (d) The probable anatomical and physiological characteristics of the
unborn child at the time the abortion is to be performed.

(v) (e) The medical risks associated with carrying her child to term.

(vi) (f) Any need for anti-Rh immune globulin therapy, if she is Rh negative,
the likely consequences of refusing such therapy, and a good faith estimate of the
cost of the therapy.

(vii) (g) The availability of anesthesia or analgesics to alleviate or eliminate
organic pain to the unborn child that could be caused by the method of abortion to
be employed.

(viii) (h) The requirement that at least twenty-four seventy-two hours prior
to the woman's having any part of an abortion performed or induced, the
physician, referring physician, or qualified person working in conjunction with either
physician must perform an obstetric ultrasound under the provisions of R.S.

10:1061.10.

(ix) (i) The inclusion in her printed materials of a comprehensive list,
compiled by the department, of facilities that offer obstetric ultrasounds free of
charge.

(b) If the woman certifies in writing that she currently lives one hundred fifty
miles or more from the nearest licensed outpatient abortion facility to her residence,
then the physician who is to perform the abortion or the referring physician shall
comply with all of the requirements of Subparagraph (a) of this Paragraph at least
twenty-four hours prior to the abortion.

(4) Oral information from a physician or qualified person.

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CODING: Words in struck through type are deletions from existing law; words underscored
are additions.
(b)(i) At least twenty-four hours except as provided in Item (ii) of this Subparagraph, at least seventy-two hours before a scheduled abortion, the physician who is to perform the abortion, the referring physician, or a qualified person has informed the woman, orally and in person, that:

(i) (aa) Medical assistance benefits may be available for prenatal care, childbirth, and neonatal care, and that more detailed information on the availability of such assistance is contained on the department's website and in the printed materials which shall be given to her as provided in this Section.

(ii) (bb) The department's website and printed materials describe the unborn child and list agencies which offer alternatives to abortion.

(iii) (cc) The father of the unborn child is liable to assist in the support of her child, even in instances where he has offered to pay for the abortion. In the case of rape, this information may be omitted.

(iv) (dd) She is free to withhold or withdraw her consent to the abortion at any time before or during the abortion without affecting her right to future care or treatment and without the loss of any state or federally funded benefits to which she might otherwise be entitled.

(ii) If the woman certifies in writing that she currently lives one hundred fifty miles or more from the nearest licensed outpatient abortion facility to her residence, then the physician who is to perform the abortion, the referring physician, or a qualified person shall comply with all of the requirements of Item (i) of this Subparagraph at least twenty-four hours before a scheduled abortion.

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(5)(a) Provision of printed materials. At least twenty-four hours except as provided in Subparagraph (b) of this Paragraph, at least seventy-two hours before the abortion, the woman is given a copy of the printed materials described in this Section by the physician who is to perform the abortion, the referring physician, or a qualified person as defined in Subparagraph (4)(c) of this Subsection. If the woman is unable to read the materials, they shall be read to her. If the woman asks questions...
concerning any of the information or materials, answers shall be provided to her in
her own language.

(b) If the woman certifies in writing that she currently lives one hundred fifty
miles or more from the nearest licensed outpatient abortion facility to her residence,
then the woman shall be given a copy of the printed materials described in this
Section by the physician who is to perform the abortion, the referring physician, or
a qualified person as defined in Subparagraph (4)(c) of this Subsection at least
twenty-four hours before the abortion. If the woman is unable to read the materials,
they shall be read to her. If the woman asks questions concerning any of the
information or materials, answers shall be provided to her in her own language.

(6) Certification and reporting. The woman certifies in writing on a form
provided by the department, prior to the abortion, that the information and materials
required to be provided under this Section have been provided at least twenty-four
seventy-two hours prior to the abortion; or, if applicable, at least twenty-four hours
prior to the abortion in the case of a woman who has given prior certification in
writing that she currently lives one hundred fifty miles or more from the nearest
licensed outpatient abortion facility to her residence. All physicians who perform
abortions shall report the total number of certifications received monthly to the
department. The department shall make the number of certifications received
available to the public on an annual basis.

* * *

(8) The woman is not required to pay any amount for the abortion procedures
until the twenty-four-hour seventy-two-hour period has expired; or until expiration
of the twenty-four-hour period applicable in the case of a woman who has given
prior certification in writing that she currently lives one hundred fifty miles or more
from the nearest licensed outpatient abortion facility to her residence.

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§1061.18. Abortion sought due to rape or certain acts of crime against nature;
reporting and certification

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CODING: Words in struck through type are deletions from existing law; words underscored
are additions.
D. Whenever an abortion is being sought pursuant to R.S. 40:1061.6 to terminate a pregnancy resulting from an alleged act of rape or crime against nature as defined by R.S. 14:89(A)(2), the victim may request spiritual counseling and shall be offered the same informed consent information, without the seventy-two-hour or twenty-four-hour delay, contained in whichever may be applicable pursuant to R.S. 40:1061.17(B), prior to the performance of the abortion.