
SENATE COMMITTEE AMENDMENTS

2017 Regular Session

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 111 by Senator Mizell

1 AMENDMENT NO. 1

2 On page 1, line 2, after "To amend and reenact" delete the remainder of the line and delete
3 line 3 and insert the following:

4 "the introductory paragraph of R.S. 40:1061.14(A), R.S. 40:1061.14(A)(1) and
5 (B)(3)(b)(ii) and (iii) and (4), 1061.19(A)(2), and 1061.21(A)(5) and to enact R.S.
6 40:1061.14(B)(3)(b)(iv) and 1061.14.1, relative to abortion for an"

7 AMENDMENT NO. 2

8 On page 1, line 8, after "penalties;" insert "to provide for reporting; to provide for
9 severability;"

10 AMENDMENT NO. 3

11 On page 1, line 10, after "Section 1." delete the remainder of the line and delete line 11 and
12 insert the following:

13 "The introductory paragraph of R.S. 40:1061.14(A), R.S. 40:1061.14(A)(1) and
14 (B)(3)(b)(ii) and (iii) and (4), 1061.19(A)(2), and 1061.21(A)(5) are hereby amended and
15 reenacted and R.S. 40:1061.14(B)(3)(b)(iv) and 1061.14.1 are hereby enacted to read as
16 follows:"

17 AMENDMENT NO. 4

18 On page 1, line 15, after "or" and before "person" insert "a qualified"

19 AMENDMENT NO. 5

20 On page 2, delete lines 3 and 4 and insert the following:

21 "the minor intends to seek an abortion and that the affiant consents to the abortion,
22 **The affiant shall provide sufficient evidence of identity that shall be expressly**
23 **specified in the affidavit to establish an articulable basis for a reasonably**
24 **prudent person to believe that the affiant is one of the following:**"

25 AMENDMENT NO. 6

26 On page 2, line 10, delete "parental"

27 AMENDMENT NO. 7

28 On page 2, line 18, after "(b)" delete the remainder of the line and delete lines 19 through
29 28 and insert

30 " * * *

31 AMENDMENT NO. 8

32 On page 3, line 7, after "consequences," insert "the indicators of human trafficking,"

33 AMENDMENT NO. 9

1 On page 3, line 12, after "(iii)" delete "Such" and insert "For purposes of providing
2 screening to protect the safety and well-being of the minor, such"

3 AMENDMENT NO. 10

4 On page 3, line 15, after "minor" delete "child" and insert ", and shall inform the minor
5 of resources available for her protection"

6 AMENDMENT NO. 11

7 On page 3, line 19, after "(4)(a)"insert the following:

8 "If the minor has not been interviewed in such evaluation and counseling
9 session prior to the ex parte hearing, such that the court does not have the
10 benefit of the required report, then the court may appoint a certified child
11 advocate attorney to be present with the minor at the ex parte hearing for the
12 purpose of assisting the minor in communicating to the court whether her
13 abortion decision is made with sufficient maturity and free and informed
14 consent, commensurate with the duty of confidentiality. A certified child
15 advocate attorney shall be given sufficient time on the same day as the ex parte
16 hearing to review with the minor the information and printed materials
17 referred to in R.S. 40:1061.17, in evaluating how well the minor is informed
18 about pregnancy, fetal development, abortion risks and consequences, the
19 indicators of human trafficking, and abortion alternatives. The certified child
20 advocate attorney shall also endeavor to assist in the court's determination of
21 whether the minor is seeking the abortion of her own free will and is not acting
22 under intimidation, threats, undue pressure, or extortion by other persons, is
23 not a victim of coerced abortion as defined in Children's Code Art. 603(9), and
24 is not in need of assistance or protective orders if the minor is a victim of
25 commercial sexual exploitation as defined in Children's Code Art. 603(9.1), or
26 any crime against the child as defined in Children's Code Art. 603(12).
27 (b)"

28 AMENDMENT NO. 12

29 On page 3, line 22, delete "child" and insert "minor" and after "not" delete "the" and insert
30 "a" and after "abortion," delete the remainder of the line and line 23 and insert "and is
31 seeking the abortion of her own free will,"

32 AMENDMENT NO. 13

33 On page 3, delete lines 26 through 29 and on page 4, delete line 1, and insert the following:

34 "(c) Whether or not the court authorizes the abortion, if the court finds
35 by a preponderance of the evidence that the minor is a victim of commercial
36 sexual exploitation as defined in Children's Code Art. 603(9.1), or any crime
37 against the child as defined in Children's Code Art. 603(12), the court may issue
38 any appropriate protective orders or afford the minor the continued services of
39 a court-appointed special advocate, or both."

40 AMENDMENT NO. 14

41 On page 4, delete lines 4 through 11, and insert the following:

42 "A. Any person giving parental consent pursuant to R.S.
43 40:1061.14(A)(1) on behalf of a minor on whom an abortion was completed shall
44 be subject to R.S. 14:70.7 providing penalties for the unlawful production,
45 manufacturing, distribution or possession of fraudulent documents for
46 identification purposes.
47 B. Any employee of a licensed outpatient abortion facility who knowingly
48 aids and abets a person who is not the mother, father, legal guardian or tutor

1 of a minor on whom an abortion was performed in the execution or acceptance
2 of the parental consent requirements as required by R.S. 40:1061.14(A)(1), shall
3 be subject to the penalties in R.S. 40:1061.29.
4 * * *

5 AMENDMENT NO. 15

6 On page 4, delete lines 17 through 21 and insert the following:

7 ~~"(2) The consent form or court order required by R.S. 40:1061.14, if~~
8 ~~applicable. If the pregnant woman is an unemancipated minor, one of the~~
9 ~~following:~~
10 ~~(a) A notarized consent form and copies of identification as provided for~~
11 ~~in R.S. 40:1061.14(A)(1).~~
12 ~~(b) A court order required by R.S. 40:1061.14(B), if applicable."~~

13 AMENDMENT NO. 16

14 On page 4, after line 22, insert the following:

15 "§1061.21. Reports
16 A. An individual abortion report for each abortion performed or induced shall
17 be completed by the attending physician. The report shall be confidential and shall
18 not contain the name or address of the woman. The report shall include:
19 * * *

20 (5)(a) Age of pregnant woman.
21 (b) If the pregnant woman is a minor, a notation of whether the abortion
22 was performed pursuant to either notarized parental consent or a judicial
23 bypass order as provided for in R.S. 40:1061.14.
24 * * *

26 AMENDMENT NO. 17

27 On page 4, after line 22, insert the following:

28 "Section 2. If any one or more provisions, sections, subsections, sentences, clauses,
29 phrases, or words of this Act or the application thereof to any person or circumstance is
30 found to be unconstitutional, the same is hereby declared to be severable in accordance with
31 R.S. 24:175 and the balance of this Act shall remain effective notwithstanding such
32 unconstitutionality. The legislature hereby declares that it would have passed this Act, and
33 each provision, section, subsection, sentence, clause, phrase, or word thereof, irrespective
34 of the fact that any one or more provisions, sections, subsections, sentences, clauses, phrases,
35 or words be declared unconstitutional."