

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 133

2019 Regular Session

Hoffmann

ABORTION: Revises the definition of abortion

Synopsis of Senate Amendments

1. Adds under what circumstances a procedure shall be documented as an abortion in a patient's medical records.
2. Requires that when an abortion is performed as a result of a pregnancy that ended or is in the unavoidable and untreatable process of ending due to spontaneous miscarriage and a physician certifies that pregnancy loss was not caused by surgical or drug-induced abortion as defined in present law, then that patient's medical record shall not indicate that the patient had an abortion.
3. Requires that under these circumstances "spontaneous miscarriage" shall be the diagnosis or condition noted in the patient's medical records.
4. Makes technical changes.

Digest of Bill as Finally Passed by Senate

For the purpose of the Outpatient Abortion Facility Licensing Law, present law defines "abortion" as any surgical procedure performed after pregnancy has been medically verified with the intent to cause the termination of the pregnancy other than for the purpose of producing a live birth, removing an ectopic pregnancy, or removing a dead fetus caused by a spontaneous abortion.

Proposed law changes the definition of "abortion" by providing that it is the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child. Such use, prescription, or means is not an abortion if done with the intent to:

- (1) Save the life or preserve the health of an unborn child.
- (2) Remove a dead unborn child or induce delivery of the uterine contents in case of a positive diagnosis, certified in writing in the woman's medical record along with the results of an obstetric ultrasound test, that the pregnancy has ended or is in the unavoidable and untreatable process of ending due to spontaneous miscarriage, also known in medical terminology as spontaneous abortion, missed abortion, inevitable abortion, incomplete abortion, or septic abortion.
- (3) Remove an ectopic pregnancy.

Proposed law adds under what circumstances a procedure shall be reported as an abortion by requiring that when an abortion is performed as a result of a pregnancy that ended or is in the unavoidable and untreatable process of ending due to spontaneous miscarriage and a physician certifies that pregnancy loss was not caused by surgical or drug-induced abortion as defined in present law, then that patient's medical record shall not indicate that the patient had an abortion, but shall state "spontaneous miscarriage" as the diagnosis or condition.

(Amends R.S. 40:2175.3(1); Adds R.S. 40:1165.1(D))