
SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Walsworth to Reengrossed House Bill No. 636 by Representative Hoffmann

1 AMENDMENT NO. 1

2 In the set of Senate Committee Amendments proposed by the Senate Committee on Health
3 and Welfare and adopted by the Senate on June 2, 2011, delete amendment nos. 1, 2, and 12.

4 AMENDMENT NO. 2

5 In the set of Senate Committee Amendments proposed by the Senate Committee on Health
6 and Welfare and adopted by the Senate on June 2, 2011, on page 1, delete lines 16 through
7 18 and insert the following:

8 " (b) Remove a dead unborn child ~~caused by~~ or induce delivery of the uterine
9 contents in case of a positive diagnosis, certified in writing in the woman's medical
10 record along with the results of an obstetric ultrasound test, that the pregnancy has
11 ended or is in the unavoidable and untreatable process of ending due to spontaneous
12 miscarriage, also known in medical terminology as spontaneous abortion, missed
13 abortion, or inevitable abortion, incomplete abortion, or septic abortion."

14 AMENDMENT NO. 3

15 On page 1, delete line 2 in its entirety and insert the following:

16 "To amend and reenact R.S. 40:1299.35.1(introductory paragraph) and (1)(b), 1299.35.2(A),
17 1299.35.6, and 1299.35.19 and"

18 AMENDMENT NO. 4

19 On page 1, delete line 11 and insert the following:

20 " Section 1. R.S. 40:1299.35.1(introductory paragraph)and(1)(b), 1299.35.2(A),
21 1299.35.6, and 1299.35.19 are"

22 AMENDMENT NO. 5

23 On page 2, between lines 6 and 7 insert the following:

24 " §1299.35.2. Abortion by physician; determination of viability; ultrasound test
25 required; exceptions; penalties
26 A. Physician requirement. No person shall perform or induce an abortion
27 unless that person is a physician licensed to practice medicine in the state of
28 Louisiana. Any outpatient abortion facility that knowingly employs, contracts with,
29 or provides any valuable consideration for the performance of an abortion to any
30 person who is not a physician licensed to practice medicine in the state of Louisiana,
31 is subject to having its license denied, non-renewed, or revoked by the Department
32 of Health and Hospitals in accord with R.S. 40:2175.6.

33 * * *

34 AMENDMENT NO. 6

35 On page 5, line 28 after "physician" and before "who" insert "who meets the requirements
36 of R.S. 46:1299.35.2(A) and"

1 AMENDMENT NO. 7

2 On page 15, line 5 change "(+)" to "(1)"

3 AMENDMENT NO. 8

4 On page 15, delete lines 8 through 25 in their entirety

5 AMENDMENT NO. 9

6 On page 15, line 26 change "J." to "I."

7 AMENDMENT NO. 10

8 On page 16, line 6 change "Ɔ." to "J."

9 AMENDMENT NO. 11

10 On page 17, delete lines 6 through 8 in their entirety and insert the following:

11 " Whoever violates the provisions of this Part shall be fined not more than one
12 thousand dollars, or imprisoned for not more than two years, or both. In addition to whatever
13 remedies are otherwise available under the law of this state, failure to comply with the
14 provisions of this Part shall:

15 (1) Provide a basis for a civil malpractice action. Any intentional violation of this
16 Part shall be admissible in a civil suit as prima facie evidence of a failure to comply with the
17 requirements of this Part. When requested, the court shall allow a woman to proceed using
18 solely her initials or a pseudonym and may close any proceedings in the case and enter other
19 protective orders to preserve the privacy of the woman upon whom the abortion was
20 performed.

21 (2) Provide a basis for professional disciplinary action under R.S. 37:1261 et seq.

22 (3) Provide a basis for recovery for the woman for the death of her unborn child
23 under Louisiana Civil Code Article 2315.2, whether or not the unborn child was viable at
24 the time the abortion was performed, or was born alive."