ENROLLED

Regular Session, 2014

HOUSE BILL NO. 305

BY REPRESENTATIVES HOFFMANN, ANDERS, BURFORD, HENRY BURNS, TIM BURNS, CARMODY, CHAMPAGNE, CHANEY, CONNICK, COX, CROMER, DOVE, GAROFALO, GUINN, HARRIS, HARRISON, HENRY, HENSGENS, HILL, HODGES, HOWARD, IVEY, KLECKLEY, L EBAS, LOPINTO, LORUSSO, JAY MORRIS, ORTEGO, POPE, PYLANT, REYNOLDS, SEABAUGH, ST. GERMAIN, STOKES, WHITNEY, AND WILLMOTT AND SENATORS ALARIO, ALLAIN, BUFFINGTON, CHABERT, CROWE, DONAHUE, ERDEY, GUILLORY, LAFLEUR, LONG, NEVERS, PEACOCK, PERRY, RISER, GARY SMITH, TARVER, THOMPSON, WALSWORTH, WARD, AND WHITE

AN ACT

To enact R.S. 40:1299.35, relative to restriction of certain activities by employees and representatives of abortion providers and of affiliates of abortion providers; to prohibit employees and representatives of abortion providers or affiliates thereof from delivering instruction in certain schools; to prohibit such persons from providing materials or media for distribution in certain schools; to provide for exceptions; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1299.35 is hereby enacted to read as follows:

<u>§1299.35. Instruction in elementary and secondary schools by abortion providers; prohibition</u>

<u>A. No employee of or representative acting on behalf of an organization, individual, or any other entity that performs elective abortion as defined in R.S. 40:1299.35.1, or of an affiliate as defined in Subsection B of this Section, shall engage in any of the following activities:</u>

<u>(1) Presenting or otherwise delivering any instruction or program on any health topic, including but not limited to human sexuality or family planning, to</u>

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students at a public elementary or secondary school, or at a charter school that receives state funding.

(2) Knowingly providing any materials or media regarding human sexuality or family planning for distribution or viewing at a public elementary or secondary school, or at a charter school that receives state funding, regardless of the topic or viewpoint of such materials or media, if the materials or media are created by or bear the identifying mark of an organization, individual, or any other entity, or of an affiliate of any such organization, individual, or entity, that performs elective abortion as defined in R.S. 40:1299.35.1.

B. For purposes of this Section, "affiliate" means an organization, individual, or any other entity that has a legal relationship with another organization, individual, or any other entity, and such relationship is created or governed by at least one written instrument that demonstrates one or more of the following:

(1) Common ownership, management, or control.

(2) The existence of a franchise.

(3) The granting or extension of a license or other agreement that authorizes common use of a brand name, trademark, service mark, or other registered identification mark.

C. The provisions of this Section shall not apply to any hospital licensed in accordance with the Hospital Licensing Law, R.S. 40:2100 et seq.

D. Any abortion provider or affiliate of an abortion provider whose employee or representative acts in violation of this Section shall be subject to imposition of a monetary penalty established by rule by the Department of Health and Hospitals, and the department shall consider such violation in any action regarding license issuance taken in accordance with R.S. 40:2175.6.

Section 2. If any provision or item of this Act, or the application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of the Act

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which can be given effect without the invalid provision, item, or application. To this end, and in accordance with R.S. 24:175, the provisions of this Act are hereby declared severable.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

_____
PRESIDENT OF THE SENATE

_____
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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