

Regular Session, 2014

HOUSE BILL NO. 1262 (Substitute for House Bill No. 727 by Representative Ivey)

BY REPRESENTATIVES IVEY, ADAMS, BARROW, BURFORD, HENRY BURNS, CHANEY, COX, GREENE, HARRIS, HARRISON, HAVARD, HENSGENS, HILL, HODGES, HOFFMANN, HOLLIS, HOWARD, KATRINA JACKSON, KLECKLEY, LEBAS, LORUSSO, JAY MORRIS, POPE, PYLANT, SCHRODER, SEABAUGH, SIMON, STOKES, WHITNEY, PATRICK WILLIAMS, AND WILLMOTT AND SENATORS BROOME AND THOMPSON

1 AN ACT

2 To amend and reenact Children's Code Article 603(9) and R.S. 40:1299.35.12 and to enact
3 R.S. 40:1299.35.5.2 and 1299.35.8(A)(6), relative to consent to abortion; to require
4 provision of certain materials to women prior to abortion and to provide for the
5 content of such materials; to provide for requirements of the Department of Health
6 and Hospitals relative to development and publication of printed and Internet-based
7 materials concerning abortion; to provide for duties of physicians who perform
8 abortions; to provide for items to be retained in the medical record of each pregnant
9 woman upon whom an abortion is performed or induced; to provide for the content
10 of reports to the Department of Health and Hospitals by physicians concerning
11 abortions performed or induced; to provide for a task force on informational
12 materials to be delivered to women prior to abortion; to provide relative to a
13 definition; to provide relative to an effective date; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. Children's Code Article 603(9) is hereby amended and reenacted to read
16 as follows:

17 Art. 603. Definitions

18 As used in this Title:

19 * * *

20 (9) "Coerced abortion" means the use of force, intimidation, threat of force,
21 threat of deprivation of food and shelter, or the deprivation of food and shelter by a
22 parent or any other person in order to compel a female child to undergo an abortion

1 (4) The signed certification form provided for in Paragraph (2) of this
2 Subsection shall be kept within the medical record of the woman or minor female
3 upon whom the abortion procedure was performed for a period of at least seven
4 years.

5 D. The department shall create printed materials and printable Internet-based
6 resources that provide all of the following:

7 (1)(a) Information, telephone numbers, and links to Internet websites of
8 nonprofit organizations that offer free and confidential access to mental health
9 professionals, social workers, and other trained counselors who serve women and
10 minor females who may experience psychological distress or other mental,
11 emotional, or behavioral health afflictions prior to undergoing an abortion.

12 (b) The department shall take such actions as are necessary to ensure that any
13 mental or behavioral health professional or other counselor to whom a woman or
14 minor female may be referred through the organizations listed in the materials
15 developed pursuant to this Paragraph meets all of the following criteria:

16 (i) Provides counseling services that objectively address the mental,
17 emotional, and behavioral health effects that may occur prior to an abortion.

18 (ii) Is not affiliated with an abortion provider.

19 (2)(a) Information, telephone numbers, and links to Internet websites of
20 nonprofit organizations that offer free and confidential access to mental health
21 professionals, social workers, and other trained counselors who serve women and
22 minor females who may experience psychological distress or other mental,
23 emotional, or behavioral health afflictions after undergoing an abortion.

24 (b) The department shall take such actions as are necessary to ensure that any
25 mental or behavioral health professional or other counselor to whom a woman or
26 minor female may be referred through the organizations listed in the materials
27 developed pursuant to this Paragraph meets all of the following criteria:

28 (i) Provides counseling services that objectively address the mental,
29 emotional, and behavioral health effects that may result from undergoing the
30 abortion procedure.

1 (ii) Is not affiliated with an abortion provider.

2 (3)(a) Information, telephone numbers, and links to Internet websites of
3 nonprofit organizations that offer free and confidential access to mental health
4 professionals, social workers, and other trained counselors who are trained in
5 counseling women and minor females who experience coercion to obtain an abortion
6 concerning the psychological impacts or other mental, emotional, or behavioral
7 health afflictions that may result from experiencing coercion to obtain an abortion.

8 (b) The department shall take such actions as are necessary to ensure that any
9 mental or behavioral health professional or other counselor to whom a woman or
10 minor female may be referred through the organizations listed in the materials
11 developed pursuant to this Paragraph meets all of the following criteria:

12 (i) Provides counseling services that objectively address the mental,
13 emotional, and behavioral health effects that may result from experiencing coercion
14 to obtain an abortion.

15 (ii) Is not affiliated with an abortion provider.

16 (c) The materials developed pursuant to this Paragraph shall clearly indicate
17 that coerced abortion is defined in Louisiana law, Children's Code Article 603, as a
18 form of abuse that seriously endangers the physical, mental, and emotional health
19 and safety of a child.

20 (4)(a) Information, telephone numbers, and links to Internet websites of
21 nonprofit organizations that offer free and confidential access to mental health
22 professionals, social workers, and other trained counselors for women and minor
23 females who are victims of the crime of human trafficking or the crime of trafficking
24 of children for sexual purposes.

25 (b) The department shall take such actions as are necessary to ensure that any
26 mental or behavioral health professional or other counselor to whom a woman or
27 minor female may be referred through the organizations listed in the materials
28 developed pursuant to this Paragraph meets all of the following criteria:

1 (i) Provides counseling services that objectively address the mental,
2 emotional, and behavioral health effects that may result from being a victim of
3 human trafficking or a victim of trafficking of children for sexual purposes.

4 (ii) Is not affiliated with an abortion provider.

5 (c) The materials developed pursuant to this Paragraph shall clearly indicate
6 all of the following:

7 (i) That victims of trafficking can be safe after their rescue from being
8 trafficked.

9 (ii) That Louisiana provides for assistance to victims of human trafficking,
10 as required by R.S. 46:2162 et seq.

11 (iii) That there are public and private agencies providing valuable assistance
12 to women and minor females who have been commercially and sexually exploited;
13 and that help available to victims of trafficking and other exploitation includes
14 housing assistance, education, job training, and drug addiction counseling.

15 (iv) That legal assistance is available to women and minor females seeking
16 to escape the sex trade, including assistance in vacating prior prostitution
17 convictions.

18 (v) That the crime of trafficking of children for sexual purposes is subject
19 to the mandatory reporting laws set forth in Children's Code Articles 603, 609, and
20 610.

21 (d) Any pamphlet developed pursuant to this Paragraph shall be known as
22 the "Point of Rescue" pamphlet.

23 E. The materials provided for in Subsection D of this Section shall be printed
24 in a typeface large enough to be clearly legible and shall be available at no cost from
25 the department upon request and in appropriate number to any person, facility, or
26 hospital. The department's website shall contain the content of the printed material,
27 a printable electronic image of the printed material, and information on ordering
28 printed materials. The department shall promulgate rules and regulations relative to
29 the methods of distribution of printed materials.

1 §1299.35.8. Records

2 A. Each physician shall retain and make part of the medical record of each
3 pregnant woman upon whom an abortion is performed or induced, copies of the
4 following:

5 * * *

6 (6) The signed certification form provided for in R.S. 40:1299.35.5.2(C)
7 indicating that the woman or minor female acknowledged receipt of informational
8 materials concerning psychological impacts, illegal coercion, abuse, and human
9 trafficking.

10 * * *

11 §1299.35.12. Emergency

12 The provisions of ~~R.S. 40:1299.35.2, 1299.35.4, 1299.35.5, and 1299.35.6~~
13 this Part shall not apply when a medical emergency compels the immediate
14 performance of an abortion because the continuation of the pregnancy poses an
15 immediate threat and grave risk to the life or permanent physical health of the
16 pregnant woman. Within twenty-four hours, the attending physician shall certify to
17 the emergency need for the abortion and shall enter such certification in the medical
18 record of the pregnant woman.

19 Section 3. The provisions of Section 2 of this Act requiring a physician or a qualified
20 person to provide required printed materials to a woman considering an abortion shall
21 become effective thirty days after the Department of Health and Hospitals publishes a notice
22 of the availability of such materials.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____