

Prior law defined "physician", for the purposes of prior law relative to abortion, as a person licensed to practice medicine in the state.

New law defines "physician" as a person licensed to practice medicine in the state and who is currently enrolled in or has completed a residency in obstetrics and gynecology or family medicine.

New law provides when any drug or chemical is used for the purpose of inducing an abortion as defined in prior law, the physician who prescribed the drug or chemical shall be in the same room and in the physical presence of the pregnant woman when the drug or chemical is initially administered, dispensed, or otherwise provided to the pregnant woman.

New law provides any person who knowingly performs or attempts to perform an abortion without complying with new law shall be subject to penalties pursuant to prior law. No penalty may be assessed against the woman upon whom the abortion is performed or attempted to be performed.

Prior law provided whoever violates the prior law shall be fined not more than \$1,000, or imprisoned for not more than two years, or both. In addition to whatever remedies are otherwise available under the law of this state, failure to comply with prior law shall provide a basis for a civil malpractice action. Any intentional violation of prior law shall be admissible in a civil suit as prima facie evidence of a failure to comply with the requirements of prior law. When requested, the court shall allow a woman to proceed using solely her initials or a pseudonym and may close any proceedings in the case and enter other protective orders to preserve the privacy of the woman upon whom the abortion was performed.

New law amends prior law to whoever violates prior law shall be fined not more than \$1,000 per incidence or occurrence, or imprisoned for not more than two years, or both. In addition to whatever remedies are otherwise available under the law of this state, failure to comply with prior law shall provide a basis for a civil malpractice action. Such action may be brought by the woman on whom the abortion was performed. Any intentional violation of prior law shall be admissible in a civil suit as prima facie evidence of a failure to comply with the requirements of prior law. When requested, the court shall allow a woman to proceed using solely her initials or a pseudonym and may close any proceedings in the case and enter other protective orders to preserve the privacy of the woman upon whom the abortion was performed.

Effective upon signature of the governor (June 10, 2013).

(Amends R.S. 40:1299.35.1(7), 1299.35.2(A), and 1299.35.19(intro para) and (1); adds R.S. 40:1299.35.2.1)