

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, LEBAS, LOPINTO, LORUSSO, JAY MORRIS, ORTEGO, POPE, PYLANT, REYNOLDS, SEABAUGH, ST. GERMAIN, STOKES, WHITNEY, AND WILLMOTT

ABORTION: Prohibits providers of elective abortions and their affiliates from delivering certain instruction or materials in schools

1 AN ACT

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

8 Be it enacted by the Legislature of Louisiana:

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

10 §1299.35. Instruction in elementary and secondary schools by abortion providers;

11 prohibition

12 A. No employee of or representative acting on behalf of an organization,

13 individual, or any other entity that performs elective abortion as defined in R.S.

14 40:1299.35.1, or of an affiliate as defined in Subsection B of this Section, shall

15 engage in any of the following activities:

16 (1) Presenting or otherwise delivering any instruction or program on any

17 health topic, including but not limited to human sexuality or family planning, to

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

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

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

14 (1) Common ownership, management, or control.

15 (2) The existence of a franchise.

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

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

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

26 Section 2. If any provision or item of this Act, or the application thereof, is held
27 invalid, such invalidity shall not affect other provisions, items, or applications of the Act
28 which can be given effect without the invalid provision, item, or application. To this end,
29 and in accordance with R.S. 24:175, the provisions of this Act are hereby declared severable.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Hoffmann

HB No. 305

Abstract: Prohibits employees of and representatives acting on behalf of abortion providers, and of affiliates of such providers, from delivering instruction or materials on any health topic, including but not limited to human sexuality or family planning, in public elementary or secondary schools or in charter schools receiving state funding.

Proposed law prohibits employees of and representatives acting on behalf of organizations that perform elective abortions, and employees and representatives of affiliates of such organizations, from engaging in any of the following activities:

- (1) Presenting or otherwise delivering any instruction or program on any health topic, including but not limited to human sexuality or family planning, to students at a public elementary or secondary school, or at a charter school that receives state funding.
- (2) Providing any materials or media regarding human sexuality or family planning for distribution or viewing at a public elementary or secondary school, or of 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 abortion provider or its affiliate.

Proposed law provides that for purposes of proposed law, "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 the affiliate to use a common brand name, trademark, service mark, or other registered identification mark.

Proposed law stipulates that the provisions of proposed law shall not apply to any hospital licensed in accordance with present law.

Proposed law provides that any abortion provider or affiliate of an abortion provider whose employee or representative violates proposed law shall be subject to imposition of a monetary penalty established by rule by DHH. Requires DHH to consider such violation in any action relative to issuance of a license for the abortion provider.

(Adds R.S. 40:1299.35)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Changed limitation on instruction or programs in schools from prohibiting instruction or programs on any topic to prohibiting instruction or programs on human sexuality or family planning.
2. Added media as items that employees and representatives of organizations performing elective abortions would be prohibited from providing in schools.
3. Deleted provisions directing the Louisiana State Law Institute to undertake a prospective technical recodification of certain Sections of proposed law.

House Floor Amendments to the engrossed bill.

1. Made technical changes.
2. Clarified that the prohibition on delivering certain instruction or materials in schools applies to an employee of or representative acting on behalf of an organization that perform elective abortions.
3. Expands the prohibited instruction or materials to any program on any health topic, including but not limited to human sexuality or family planning.