

Regular Session, 2013

SENATE CONCURRENT RESOLUTION NO. 57

BY SENATORS MARTINY, APPEL, CORTEZ, CROWE, GUILLORY, JOHNS, LONG, MILLS, NEVERS, PEACOCK, PERRY, THOMPSON, WALSWORTH, WARD AND WHITE AND REPRESENTATIVES STUART BISHOP, BURFORD, HENRY BURNS, CARMODY, CHANEY, CONNICK, FANNIN, GUINN, HARRIS, HENRY, HILL, HODGES, HOFFMANN, HOWARD, IVEY, LOPINTO, MACK, ORTEGO, PEARSON, POPE, PUGH, RICHARD, SCHRODER, SHADOIN, SIMON, STOKES AND TALBOT

GOVERNMENTAL REGULATIONS. Requests various state and local departments to take certain actions regarding the commercial construction and operation by Planned Parenthood Gulf Coast of a facility to provide abortions in Louisiana.

1 A CONCURRENT RESOLUTION

2 To urge and request the various departments to take certain actions regarding the
3 commercial construction and operation by Planned Parenthood Gulf Coast of a
4 facility to provide abortions in Louisiana.

5 WHEREAS, Planned Parenthood Federation of America is a private, nonprofit
6 organization that provides sexual and reproductive health services and is the largest provider
7 of abortions in the United States; and

8 WHEREAS, the affiliate Planned Parenthood facilities in Louisiana provide sexual
9 and reproductive health services, but currently do not provide abortions; and

10 WHEREAS, in 2010, the non-abortion providing Planned Parenthood affiliates in
11 Louisiana merged with the abortion providing affiliates of Planned Parenthood Houston and
12 Southeast Texas, Inc., to form the new umbrella organization headquartered in Houston
13 known as Planned Parenthood Gulf Coast, which operates the largest Planned Parenthood
14 abortion facility in the United States; and

15 WHEREAS, Planned Parenthood Gulf Coasts has purchased three parcels of land on
16 Claiborne Avenue in New Orleans and plans to build a four million two hundred thousand
17 dollar, seven thousand square foot facility where they intend to start performing abortions,
18 according to their own legislative testimony and fundraising materials; and

1 WHEREAS, the state of Louisiana has various economic incentive programs for
2 commercial construction and labor for certain businesses; and

3 WHEREAS, permits for the construction of the abortion facility to be built with
4 private funds raised by Planned Parenthood Gulf Coast on Claiborne Avenue should include
5 plans for the sanitary disposal of human remains for the safety and welfare of Louisiana
6 residents; and

7 WHEREAS, Planned Parenthood Gulf Coast also intends to provide other services
8 including contraception and sexually transmitted disease testing that are available at public
9 health units and at nonprofit facilities all over the Louisiana region under the same Medicaid
10 pricing structure used by Planned Parenthood; and

11 WHEREAS, the two current Planned Parenthood Gulf Coast clinics in New Orleans
12 and Baton Rouge receive state and federal funding in the amount of "approximately one
13 million dollars a year in fee-for-service Medicaid reimbursement" for non-abortion
14 reproductive health services, according to testimony given by a Planned Parenthood Gulf
15 Coast representative in the House Committee on Health and Welfare on May 4, 2011; and

16 WHEREAS, federal and Louisiana laws regulate which services are reimbursable
17 under Medicaid and provide for the practice of employees of public or private social service
18 agencies with regard to abortion; and

19 WHEREAS, R.S. 40:1299.34.5 provides that no public funds shall be used in any
20 way for, to assist in, or to provide facilities for an abortion, except when the abortion is
21 medically necessary to prevent the death of the mother; and

22 WHEREAS, R.S. 40:1299.34 provides that no person employed in any public or
23 private social service agency, by contract or otherwise, which is a recipient of any form of
24 government assistance shall require or recommend that any woman have an abortion; and

25 WHEREAS, in the Senate Committee on Health and Welfare on June 8, 2012, the
26 Planned Parenthood Gulf Coast representative was asked, "Do the two Planned Parenthood
27 facilities recommend abortion to any of their clients?" The Planned Parenthood
28 representative responded, "We do. It's part of our comprehensive pregnancy counseling.
29 We provide options for all available resources including . . . abortion referral if that's
30 requested"; and

1 WHEREAS, two lawsuits by former employees are pending against Planned
2 Parenthood Gulf Coast, the same organization building the New Orleans complex, alleging
3 up to five million dollars in Medicaid fraud pursuant to the federal "False Claims Act"; and

4 WHEREAS, Abby Johnson, a former Planned Parenthood employee, alleges in her
5 false claims lawsuit that members of Planned Parenthood's key management team instructed
6 Planned Parenthood Gulf Coast staff to provide auditors with charts that had been "fixed"
7 regarding abortion on minor girls to ensure that "required documentation, especially with
8 regard to parental consent and non-coercion, was included in each client file"; and

9 WHEREAS, disregard for parental involvement for minors and non-coercion laws
10 endangers the health and safety of Louisiana's women and young girls, and facilitates sex-
11 trafficking, sexual tourism, and prostitution of minors; and

12 WHEREAS, there is a responsibility of the state of Louisiana to ensure that
13 organizations operate in compliance with all laws, and if laws are being violated, take
14 appropriate actions against such organizations.

15 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
16 urge and request the Department of Health and Hospitals, the Division of Administration,
17 the legislative auditor, and the office of the Inspector General to review and monitor the
18 practices of Planned Parenthood Gulf Coast to determine whether the organization is in
19 compliance with all state and federal laws and regulations, including but not limited to
20 provisions concerning public funding of abortion facilities, R.S. 40:1299.34.5; the
21 counseling or recommendation of abortion by state contractors, R.S. 40:1299.34; the
22 mandatory reporting of child sexual abuse pursuant to Louisiana Children's Code Articles
23 603, 609, and 610 and R.S. 14:80, regarding felony carnal knowledge of a juvenile; parental
24 consent for minors seeking abortion requirements, R.S. 40:1299.35.5; and the informed
25 consent and signage requirements of R.S. 40:1299.35.5.1 and 1299.35.6.

26 BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge
27 and request that any application for economic incentives of any kind filed by Planned
28 Parenthood Gulf Coast or any of its abortion-providing affiliates to construct, purchase, or
29 operate any facility, or to employ any individuals therein, be denied by the Louisiana
30 Department of Economic Development, the Louisiana Department of Labor, or any other

1 department, and that any application for any economic incentive filed by Planned
2 Parenthood Gulf Coast be reported to the Senate Committee on Commerce, Consumer
3 Protection and International Affairs and the House Committee on Commerce by the
4 department receiving such application.

5 BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge
6 and request that the City of New Orleans Department of Safety and Permits and the
7 permitting authority of any other city in which Planned Parenthood Gulf Coast seeks to
8 construct or operate an outpatient abortion facility require plans for the sanitary disposal of
9 human remains for the safety and welfare of Louisiana residents.

10 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
11 commissioner of the Division of Administration, the secretary of the Department of Health
12 and Hospitals, the secretary of the Department of Economic Development, the secretary of
13 the Department of Labor, the legislative auditor, the state inspector general, and the city of
14 New Orleans Department of Safety and Permits.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Michelle Ducharme.

DIGEST

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