

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, 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 Coast 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 perform abortions, according  
18 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 throughout Louisiana under the same Medicaid pricing  
10 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, 2011, 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.

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The original instrument was prepared by Michelle Ducharme. The following  
digest, which does not constitute a part of the legislative instrument, was  
prepared by Tammy Crain-Waldrop.

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#### DIGEST

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#### Summary of Amendments Adopted by Senate

##### Senate Floor Amendments to engrossed bill

1. Makes technical changes.
2. Changes the date the committee hearing was held.