
The original instrument was prepared by Christopher D. Adams. The following digest, which does not constitute a part of the legislative instrument, was prepared by Michelle Broussard-Johnson.

DIGEST

Mills (SB 90)

Present law defines "physician", for the purposes of present law relative to abortion, as a person licensed to practice medicine in the state of Louisiana. Proposed law amends present law to define "physician" as a person licensed to practice medicine in the state of Louisiana and who is currently enrolled in or has completed a residency in obstetrics and gynecology or family medicine.

Proposed law provides when any drug or chemical is used for the purpose of inducing an abortion as defined in present 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.

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

Present law provides whoever violates the provisions of present 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 the provisions of present law shall provide a basis for a civil malpractice action. Any intentional violation of present law shall be admissible in a civil suit as prima facie evidence of a failure to comply with the requirements of present 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.

Proposed law amends present law to whoever violates the provisions of present 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 the provisions of present 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 present law shall be admissible in a civil suit as prima facie evidence of a failure to comply with the requirements of present 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 or lapse of time for gubernatorial action.

(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)

Summary of Amendments Adopted by Senate

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

1. Deletes requirement that the attending physician give certain written instructions to pregnant woman regarding follow-up visit and the requirement relative to medical records notation.

2. Removes negligence as a cause for penalties for non-compliance or attempted non-compliance with the requirements regarding drugs or chemicals to induce an abortion.
3. Technical change.

Senate Floor Amendments to engrossed bill

1. Changes the physician requirement from board certification or eligibility to completion of residency in obstetrics and gynecology.
2. Changes the civil malpractice action from being brought upon by the woman whom the abortion was performed, natural or biological father or the maternal grandparents to being brought upon by any woman upon whom the abortion was performed.

Summary of Amendments Adopted by House

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

1. Added the following as physicians authorized to perform or induce an abortion pursuant to present law and proposed law:
 - (a) A physician who is currently enrolled in a residency in obstetrics and gynecology.
 - (b) A physician who has completed a residency in family medicine.
 - (c) A physician who is currently enrolled in a residency in family medicine