

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, BROADWATER, BURFORD, HENRY BURNS, CARMODY, CHANEY, CONNICK, CROMER, DOVE, FANNIN, GUINN, HARRIS, HENRY, HILL, HODGES, HOFFMANN, HOWARD, IVEY, GIROD JACKSON, KLECKLEY, LOPINTO, LORUSSO, MACK, JAY MORRIS, ORTEGO, PEARSON, PONTI, POPE, PUGH, PYLANT, RICHARD, SCHRODER, SEABAUGH, SIMON, ST. GERMAIN, STOKES, TALBOT, THOMPSON, WHITNEY AND WILLMOTT

A CONCURRENT RESOLUTION

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, in the Senate Committee on Health and Welfare on June 8, 2011, the Planned Parenthood Gulf Coast representative was asked, "Do the two Planned Parenthood facilities recommend abortion to any of their clients?" The Planned Parenthood representative responded, "We do. It's part of our comprehensive pregnancy counseling. We provide options for all available resources including . . . abortion referral if that's requested"; and

WHEREAS, two lawsuits by former employees are pending against Planned Parenthood Gulf Coast, the same organization building the New Orleans complex, alleging

up to five million dollars in Medicaid fraud pursuant to the federal "False Claims Act"; and

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

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

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

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

BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge and request that any application for economic incentives of any kind filed by Planned Parenthood Gulf Coast or any of its abortion-providing affiliates to construct, purchase, or operate any facility, or to employ any individuals therein, be denied by the Louisiana Department of Economic Development, the Louisiana Department of Labor, or any other department, and that any application for any economic incentive filed by Planned Parenthood Gulf Coast be reported to the Senate Committee on Commerce, Consumer

Protection and International Affairs and the House Committee on Commerce by the department receiving such application.

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

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

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES