

# ACT No. 569

HOUSE BILL NO. 1262 (Substitute for House Bill No. 727 by Representative Ivey)

BY REPRESENTATIVES IVEY, ADAMS, BARROW, BURFORD, HENRY BURNS, CHANEY, COX, GREENE, HARRIS, HARRISON, HAVARD, HENSGENS, HILL, HODGES, HOFFMANN, HOLLIS, HOWARD, KATRINA JACKSON, KLECKLEY, LEBAS, LORUSSO, JAY MORRIS, POPE, PYLANT, SCHRODER, SEABAUGH, SIMON, STOKES, WHITNEY, PATRICK WILLIAMS, AND WILLMOTT AND SENATORS BROOME AND THOMPSON

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AN ACT

To amend and reenact Children's Code Article 603(9) and R.S. 40:1299.35.12 and to enact R.S. 40:1299.35.5.2 and 1299.35.8(A)(6), relative to consent to abortion; to require provision of certain materials to women prior to abortion and to provide for the content of such materials; to provide for requirements of the Department of Health and Hospitals relative to development and publication of printed and Internet-based materials concerning abortion; to provide for duties of physicians who perform abortions; to provide for items to be retained in the medical record of each pregnant woman upon whom an abortion is performed or induced; to provide for the content of reports to the Department of Health and Hospitals by physicians concerning abortions performed or induced; to provide for a task force on informational materials to be delivered to women prior to abortion; to provide relative to a definition; to provide relative to an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Article 603(9) is hereby amended and reenacted to read as follows:

Art. 603. Definitions

As used in this Title:

\* \* \*

(9) "Coerced abortion" means the use of force, intimidation, threat of force, threat of deprivation of food and shelter, or the deprivation of food and shelter by a parent or any other person in order to compel a female child to undergo an abortion

1 against her will, whether or not the abortion procedure has been attempted or  
 2 completed.

3 \* \* \*

4 Section 2. R.S. 40:1299.35.12 is hereby amended and reenacted and R.S.  
 5 40:1299.35.5.2 and 1299.35.8(A)(6) are hereby enacted to read as follows:

6 §1299.35.5.2. Information on psychological impacts, illegal coercion, abuse, and  
 7 human trafficking required prior to abortion; task force on information  
 8 resources

9 A. The legislature hereby declares that women of this state have a right to  
 10 know that undergoing an abortion may have serious psychological impacts, including  
 11 severe emotional distress and mental and behavioral health afflictions.

12 B. At least twenty-four hours prior to undergoing an elective abortion as  
 13 defined in R.S. 40:1299.35.1, and as a condition for consent to the abortion to be  
 14 deemed voluntary and informed, the woman or minor female considering abortion  
 15 shall be given a copy of the printed materials described in this Section by the  
 16 physician who is to perform the abortion or a qualified person as defined in R.S.  
 17 40:1299.35.6(B)(4)(c), except in the case of medical emergency as provided in R.S.  
 18 40:1299.35.12.

19 C.(1) The physician or qualified person shall provide to the woman or minor  
 20 female seeking an abortion the printed materials required by this Section individually  
 21 and in a private room for the purpose of ensuring that she has an adequate  
 22 opportunity to ask questions and discuss her individual circumstances.

23 (2) The physician or qualified person shall obtain the signature of the woman  
 24 or minor female seeking an abortion on a form certifying that the printed materials  
 25 were given to the woman or minor female.

26 (3) In the case of a minor female considering an abortion, if a parent  
 27 accompanies the minor female to the appointment with the physician or qualified  
 28 person described in Subsection B of this Section, then the physician or qualified  
 29 person shall provide to the parent copies of the materials given to the female in  
 30 accordance with Paragraph (1) of this Subsection.

1           (4) The signed certification form provided for in Paragraph (2) of this  
 2           Subsection shall be kept within the medical record of the woman or minor female  
 3           upon whom the abortion procedure was performed for a period of at least seven  
 4           years.

5           D. The department shall create printed materials and printable Internet-based  
 6           resources that provide all of the following:

7           (1)(a) Information, telephone numbers, and links to Internet websites of  
 8           nonprofit organizations that offer free and confidential access to mental health  
 9           professionals, social workers, and other trained counselors who serve women and  
 10          minor females who may experience psychological distress or other mental,  
 11          emotional, or behavioral health afflictions prior to undergoing an abortion.

12          (b) The department shall take such actions as are necessary to ensure that any  
 13          mental or behavioral health professional or other counselor to whom a woman or  
 14          minor female may be referred through the organizations listed in the materials  
 15          developed pursuant to this Paragraph meets all of the following criteria:

16          (i) Provides counseling services that objectively address the mental,  
 17          emotional, and behavioral health effects that may occur prior to an abortion.

18          (ii) Is not affiliated with an abortion provider.

19          (2)(a) Information, telephone numbers, and links to Internet websites of  
 20          nonprofit organizations that offer free and confidential access to mental health  
 21          professionals, social workers, and other trained counselors who serve women and  
 22          minor females who may experience psychological distress or other mental,  
 23          emotional, or behavioral health afflictions after undergoing an abortion.

24          (b) The department shall take such actions as are necessary to ensure that any  
 25          mental or behavioral health professional or other counselor to whom a woman or  
 26          minor female may be referred through the organizations listed in the materials  
 27          developed pursuant to this Paragraph meets all of the following criteria:

28          (i) Provides counseling services that objectively address the mental,  
 29          emotional, and behavioral health effects that may result from undergoing the  
 30          abortion procedure.

1                    (ii) Is not affiliated with an abortion provider.

2                    (3)(a) Information, telephone numbers, and links to Internet websites of  
3                    nonprofit organizations that offer free and confidential access to mental health  
4                    professionals, social workers, and other trained counselors who are trained in  
5                    counseling women and minor females who experience coercion to obtain an abortion  
6                    concerning the psychological impacts or other mental, emotional, or behavioral  
7                    health afflictions that may result from experiencing coercion to obtain an abortion.

8                    (b) The department shall take such actions as are necessary to ensure that any  
9                    mental or behavioral health professional or other counselor to whom a woman or  
10                   minor female may be referred through the organizations listed in the materials  
11                   developed pursuant to this Paragraph meets all of the following criteria:

12                   (i) Provides counseling services that objectively address the mental,  
13                   emotional, and behavioral health effects that may result from experiencing coercion  
14                   to obtain an abortion.

15                   (ii) Is not affiliated with an abortion provider.

16                   (c) The materials developed pursuant to this Paragraph shall clearly indicate  
17                   that coerced abortion is defined in Louisiana law, Children's Code Article 603, as a  
18                   form of abuse that seriously endangers the physical, mental, and emotional health  
19                   and safety of a child.

20                   (4)(a) Information, telephone numbers, and links to Internet websites of  
21                   nonprofit organizations that offer free and confidential access to mental health  
22                   professionals, social workers, and other trained counselors for women and minor  
23                   females who are victims of the crime of human trafficking or the crime of trafficking  
24                   of children for sexual purposes.

25                   (b) The department shall take such actions as are necessary to ensure that any  
26                   mental or behavioral health professional or other counselor to whom a woman or  
27                   minor female may be referred through the organizations listed in the materials  
28                   developed pursuant to this Paragraph meets all of the following criteria:

1           (i) Provides counseling services that objectively address the mental,  
2           emotional, and behavioral health effects that may result from being a victim of  
3           human trafficking or a victim of trafficking of children for sexual purposes.

4           (ii) Is not affiliated with an abortion provider.

5           (c) The materials developed pursuant to this Paragraph shall clearly indicate  
6           all of the following:

7           (i) That victims of trafficking can be safe after their rescue from being  
8           trafficked.

9           (ii) That Louisiana provides for assistance to victims of human trafficking,  
10          as required by R.S. 46:2162 et seq.

11          (iii) That there are public and private agencies providing valuable assistance  
12          to women and minor females who have been commercially and sexually exploited;  
13          and that help available to victims of trafficking and other exploitation includes  
14          housing assistance, education, job training, and drug addiction counseling.

15          (iv) That legal assistance is available to women and minor females seeking  
16          to escape the sex trade, including assistance in vacating prior prostitution  
17          convictions.

18          (v) That the crime of trafficking of children for sexual purposes is subject  
19          to the mandatory reporting laws set forth in Children's Code Articles 603, 609, and  
20          610.

21          (d) Any pamphlet developed pursuant to this Paragraph shall be known as  
22          the "Point of Rescue" pamphlet.

23          E. The materials provided for in Subsection D of this Section shall be printed  
24          in a typeface large enough to be clearly legible and shall be available at no cost from  
25          the department upon request and in appropriate number to any person, facility, or  
26          hospital. The department's website shall contain the content of the printed material,  
27          a printable electronic image of the printed material, and information on ordering  
28          printed materials. The department shall promulgate rules and regulations relative to  
29          the methods of distribution of printed materials.



1           §1299.35.8. Records

2                   A. Each physician shall retain and make part of the medical record of each  
3 pregnant woman upon whom an abortion is performed or induced, copies of the  
4 following:

5   \*       \*       \*

6                   (6) The signed certification form provided for in R.S. 40:1299.35.5.2(C)  
7 indicating that the woman or minor female acknowledged receipt of informational  
8 materials concerning psychological impacts, illegal coercion, abuse, and human  
9 trafficking.

10   \*       \*       \*

11           §1299.35.12. Emergency

12                   The provisions of ~~R.S. 40:1299.35.2, 1299.35.4, 1299.35.5, and 1299.35.6~~  
13 this Part shall not apply when a medical emergency compels the immediate  
14 performance of an abortion because the continuation of the pregnancy poses an  
15 immediate threat and grave risk to the life or permanent physical health of the  
16 pregnant woman. Within twenty-four hours, the attending physician shall certify to  
17 the emergency need for the abortion and shall enter such certification in the medical  
18 record of the pregnant woman.

19           Section 3. The provisions of Section 2 of this Act requiring a physician or a qualified  
20 person to provide required printed materials to a woman considering an abortion shall  
21 become effective thirty days after the Department of Health and Hospitals publishes a notice  
22 of the availability of such materials.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_