

Definition of "Coerced Abortion"

Prior law relative to acts that constitute child abuse defined "coerced abortion" as 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 against her will. New law amends this definition to provide that coerced abortion may occur regardless of whether an abortion procedure has been attempted or completed.

Informed Consent to Abortion

Existing law provides that after a woman is determined to be pregnant, no abortion shall be performed or induced without the woman's voluntary and informed consent. New law adds requirements and conditions for consent to an abortion to be deemed voluntary and informed.

New law provides a declaration indicating that women of this state have a right to know that undergoing an abortion may have serious psychological impacts, including severe emotional distress and mental and behavioral health afflictions.

New law provides that at least 24 hours prior to undergoing an elective abortion, except in the case of a medical emergency, the woman or minor female considering abortion shall be given a copy of the printed materials on psychological impacts, illegal coercion, abuse, and human trafficking described in new law. New law stipulates that provision of these materials is a condition for the woman's or minor female's consent to the abortion to be deemed voluntary and informed.

New law requires that the physician or qualified person, as defined in existing law, shall provide to the woman or minor female seeking an abortion the materials required by new law individually and in a private room for the purpose of ensuring that she has an adequate opportunity to ask questions and discuss her individual circumstances.

New law requires that the physician or qualified person obtain the signature of the woman or minor female certifying that the printed materials were given to her, and that the signed certification form be kept within the medical record of the woman or minor female for a period of at least seven years.

New law provides that in the case of a minor female considering an abortion, if a parent accompanies the minor female to the appointment with the physician or qualified person, then the physician or qualified person shall provide to the parent copies of the materials that were given to the female in accordance with new law.

Materials to be Provided Prior to Abortion

New law requires the Department of Health and Hospitals (DHH) to create printed materials and printable Internet-based resources that provide information on mental, emotional, and behavioral health impacts prior to abortion; mental, emotional, and behavioral health impacts after abortion; coerced abortion; and human trafficking. Stipulates that provision of all materials described in new law prior to abortion is a condition for the woman's or minor female's consent to the abortion to be deemed voluntary and informed. Provides that the materials resources shall include the following:

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

- (3) Information, telephone numbers, and links to Internet websites of nonprofit organizations that offer free and confidential access to mental health professionals, social workers, and other trained counselors who are trained in counseling women and minor females who experience coercion to obtain an abortion concerning the psychological impacts or other mental, emotional, or behavioral health afflictions that may result from experiencing a coerced abortion. New law requires that such materials clearly indicate that coerced abortion is defined in existing law as a form of abuse that seriously endangers the physical, mental, and emotional health and safety of a child.
- (4) Information, telephone numbers, and links to Internet websites of nonprofit organizations that offer free and confidential access to mental health professionals, social workers, and other trained counselors for women and minor females who are victims of the crime of human trafficking or the crime of trafficking of children for sexual purposes. New law requires that such materials clearly indicate all of the following:
 - (a) That victims of human trafficking can be safe after their rescue from being trafficked.
 - (b) That Louisiana provides by law for assistance to victims of human trafficking.
 - (c) That there are public and private agencies providing valuable assistance to women and girls who have been commercially and sexually exploited; and that help available to victims of trafficking and other exploitation includes housing assistance, education, job training, and drug addiction counseling.
 - (d) That legal assistance is available to women and girls seeking to escape the sex trade, including assistance in vacating prior prostitution convictions.
 - (e) That the crime of trafficking of children for sexual purposes is subject to the mandatory reporting requirements set forth in existing law.

New law provides that any pamphlet concerning human trafficking developed pursuant to new law shall be known as the "Point of Rescue" pamphlet.

New law requires DHH to ensure that any mental or behavioral health professional or other counselor to whom a woman or minor female may be referred through the organizations listed in the materials developed pursuant to new law meets all of the following criteria:

- (1) Provides counseling services that objectively address the mental, emotional, and behavioral health effects that may result prior to abortion, after abortion, pursuant to coerced abortion, and from human trafficking.
- (2) Is not affiliated with an abortion provider.

New law establishes the following requirements relative to the printed materials provided for therein:

- (1) That the materials be printed in a typeface large enough to be clearly legible, and be available at no cost from DHH upon request and in appropriate number to any person, facility, or hospital.
- (2) That the DHH website feature the content of the materials, a printable electronic image of the materials, and information on ordering the materials.
- (3) That DHH promulgate rules and regulations relative to methods of distribution of the materials.

Task Force on Materials

New law provides that the governor shall convene a 14-member task force to assist DHH in the preparation of the printed and Internet materials provided for in new law. Provides that the task force shall be comprised of the following members:

- (1) One psychologist licensed by the Louisiana State Board of Examiners of Psychologists.
- (2) One physician who is board certified as a psychiatrist and licensed by the Louisiana State Board of Medical Examiners.
- (3) One licensed clinical social worker licensed by the Louisiana State Board of Social Work Examiners.
- (4) Two Louisiana residents who provide pre-abortion or post-abortion counseling in association with a nonprofit organization that does not counsel for or provide abortion.
- (5) Two attorneys licensed in Louisiana who specialize in advocacy for women and minor females who are at risk of being coerced into or psychologically harmed by abortion.
- (6) The executive director of the Louisiana Human Trafficking Task Force.
- (7) The executive director and the residential director of a residential program for women who have been commercially and sexually exploited.
- (8) Two members of the Senate appointed by the president.
- (9) Two members of the House of Representatives appointed by the speaker.
- (10) The secretary of DHH, who shall serve as the chairperson of the task force.

New law stipulates that nothing therein shall be construed to conflict with or supercede the requirement for mandatory reporting of child abuse provided in existing law, Ch.C. Art. 603 et seq.

Existing law, R.S. 40:1299.35.8, requires each physician who performs an abortion to retain and make part of the medical record of each pregnant woman upon whom an abortion is performed or induced copies of certain forms, certificates, and other documents. New law adds to the enumerated list of items to be retained and made part of the medical record the signed certification form provided for in new law indicating that the woman acknowledged receipt of materials concerning psychological impacts, illegal coercion, abuse, and human trafficking.

Effective Dates

New law provides that requirements thereof for physicians or other qualified persons to convey to a woman considering an abortion the materials provided for in new law shall not become effective until 30 days after DHH publishes a notice of the availability of the materials.

All other provisions of new law are effective Aug. 1, 2014.

(Amends Ch.C. Art. 603(9) and R.S. 40:1299.35.12; Adds R.S. 40:1299.35.5.2 and 1299.35.8(A)(6))