
HOUSE COMMITTEE AMENDMENTS

2019 Regular Session

Amendments proposed by House Committee on Health and Welfare to Original House Bill No. 484 by Representative Crews

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 40:1061.19" and before the comma "," insert "and 1061.29"

AMENDMENT NO. 2

On page 1, at the end of line 6, change "record" to "laws relative to abortion-related records;"

AMENDMENT NO. 3

On page 1, delete lines 7 through 9 in their entirety and at the beginning of line 10 delete "records thereof;"

AMENDMENT NO. 4On page 2, line 1, after "facility," and before "and" insert "each abortion facility,"AMENDMENT NO. 5

On page 2, between lines 17 and 18, insert the following:

"(7) Any report made pursuant to Title VI of the Children's Code and any other report made to law enforcement in relation the patient."

AMENDMENT NO. 6On page 2, line 23, delete "and ten years from the age of majority for minors." and insert in lieu thereof "for adult patients and not less than ten years from the age of majority for minor patients."AMENDMENT NO. 7

On page 3, delete lines 1 through 15 in their entirety and insert in lieu thereof the following:

"D.(1) Any person who intentionally or negligently fails to comply with the requirements of this Section or any duty recognized therein shall be subject to the penalties provided for in R.S. 40:1061.29.

(2) Any abortion facility that fails to comply with the requirements of this Section or any duty recognized therein shall be subject to the penalties provided for in R.S. 40:1061.29.

(3) Each medical record that does not include the documents identified in Subsection A of this Section, or which is not retained for the time specified in Subsection B of this Section, shall constitute a separate incidence or occurrence for purposes of R.S. 40:1061.29, and shall constitute a continuing violation until the relevant retention period specified in Subsection B of this Section has expired."

1 AMENDMENT NO. 8

2 On page 3, line 18, after "obtain" and before "or retain" insert a comma "," and "make part
3 of a medical record,"

4 AMENDMENT NO. 9

5 On page 3, line 25, delete "abortion" and insert in lieu thereof "medical"

6 AMENDMENT NO. 10

7 On page 3, after line 26, delete the remainder of the page and on page 4 delete lines 1 and
8 2 in their entirety

9 AMENDMENT NO. 11

10 On page 4, at the beginning of line 3, change "G." to "F."

11 AMENDMENT NO. 12

12 On page 4, line 4, after "R.S. 40:2175.1" and before "et.seq." delete the comma ","

13 AMENDMENT NO. 13

14 On page 4, line 6, delete "Act" and insert in lieu thereof "Section"

15 AMENDMENT NO. 14

16 On page 4, delete lines 13 through 17 in their entirety and insert in lieu thereof the following:

17 "G. A person may comply with this Section by depositing a copy of each
18 document required by Subsection A of this Section with the department in an
19 organized and readily accessible format. The department shall have a cause of action
20 against the persons identified in Subsection A of this Section for the reasonably
21 anticipated cost of storing the documents for the required period of time, for which
22 those persons shall be liable in solido.

23 * * *

24 §1061.29. Penalties

25 A. Whoever violates the provisions of this Chapter shall be fined not more
26 than one thousand dollars per incidence or occurrence, or imprisoned for not more
27 than two years, or both.

28 B. Whoever violates the provisions of this Chapter shall be subject to a civil
29 fine of one thousand dollars per incidence or occurrence. The Louisiana Department
30 of Justice, through the attorney general, shall have jurisdiction to pursue this civil
31 fine in any competent court.

32 C. In addition to whatever remedies are otherwise available under the law
33 of this state, failure to comply with the provisions of this Chapter shall:

34 (1) Provide a basis for a civil malpractice action. Such an action may be
35 brought by the woman upon whom the abortion was performed. Any intentional
36 violation of this Chapter shall be admissible in a civil suit as prima facie evidence
37 of a failure to comply with the requirements of this Chapter. When requested, the
38 court shall allow a woman to proceed using solely her initials or a pseudonym and
39 may close any proceedings in the case and enter other protective orders to preserve
40 the privacy of the woman upon whom the abortion was performed.

1 (2) Provide a basis for professional disciplinary action, including but not
2 limited to any action authorized under R.S. 37:1261 et seq.

3 (3) Provide a basis for recovery for the woman for the death of her unborn
4 child under Louisiana Civil Code Article 2315.2, whether or not the unborn child
5 was viable at the time the abortion was performed, or was born alive.

6 (4) Provide a basis for the attorney general, the district attorney in whose
7 jurisdiction the violation occurred, or the secretary of the department to obtain a writ
8 of injunction, which shall not be subject to being released upon bond. The trial of
9 the proceeding shall be summary and by the judge without a jury."

10 AMENDMENT NO. 15

11 On page 5, line 3, after "items" and before "or" insert a comma ","