

HOUSE COMMITTEE AMENDMENTS

2015 Regular Session

Amendments proposed by House Committee on Health and Welfare to Original House Bill No. 701 by Representative Whitney

AMENDMENT NO. 1

On page 1, at the beginning of line 2, change "To enact R.S. 40:1299.30.2," to "To amend and reenact R.S. 40:1299.35.6(B)(3)(d), and to enact R.S. 40:1299.30.2, 1299.35.2(A)(3), and 1299.35.10(A)(27) and (28),"

AMENDMENT NO. 2

On page 1, at the end of line 4, insert "provide for determination of age and sex of an unborn child in certain instances; to provide for information to be communicated to a woman prior to abortion; to provide relative to individual abortion reports;"

AMENDMENT NO. 3

On page 1, at the beginning of line 5, insert "to"

AMENDMENT NO. 4

On page 1, line 7, delete "R.S. 40:1299.30.2 is" and insert in lieu thereof "R.S. 40:1299.35.6(B)(3)(d) is hereby amended and reenacted and R.S. 40:1299.30.2, 1299.35.2(A)(3), and 1299.35.10(A)(27) and (28) are"

AMENDMENT NO. 5

On page 3, between lines 27 and 28, insert a set of asterisks "*" * "*" and the following:

"§1299.35.2. Abortion by physician; determination of viability, probable postfertilization age, and sex; ultrasound test required; exceptions; penalties

A.

* * *

(3)(a) Except in the case of a medical emergency, the physician performing or inducing an abortion shall determine the probable postfertilization age of the unborn child in accordance with R.S. 40:1299.30.1(D).

(b)(i) If the unborn child is determined to have a probable postfertilization age of ten weeks or greater, the physician shall attempt to determine the sex of the unborn child according to the standard prescribed in Item (ii) of this Subparagraph. If the sex is determined, the mother shall be informed of the sex at least twenty-four hours before the abortion in accordance with R.S. 40:1299.35.6(B)(3). If the physician is unable to determine the sex of the unborn child, the mother shall be informed that the sex was not determinable.

(ii) In attempting to make the determination of sex, the physician shall perform such medical examinations and tests as a reasonably prudent physician, knowledgeable about the case and the medical conditions involved, would consider necessary to perform in making an accurate diagnosis with respect to the sex of the unborn child.

(c) For purposes of this Paragraph, the terms "medical emergency", "postfertilization age", "probable postfertilization age of the unborn child", and "unborn child" shall have the meanings ascribed in R.S. 40:1299.30.1(C).

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§1299.35.6. Woman's Right To Know

* * *

B. Informed consent; requirements. After a woman is determined to be pregnant, no abortion shall be performed or induced without the voluntary and informed consent of the woman upon whom the abortion is to be performed or induced. Except in the case of a medical emergency, consent to an abortion is voluntary and informed if and only if:

* * *

(3) Oral information from the physician. At least twenty-four hours before the abortion, the physician who is to perform the abortion or the referring physician has informed the woman, orally and in person, of:

* * *

- (d)(i) The probable anatomical and physiological characteristics of the unborn child at the time the abortion is to be performed.
- (ii) The sex of the unborn child, if known.

* * *

§1299.35.10. Reports

A. An individual abortion report for each abortion performed or induced shall be completed by the attending physician. The report shall be confidential and shall not contain the name or address of the woman. The report shall include:

* * *

- (27) The probable postfertilization age of the unborn child, as determined in accordance with R.S. 40:1299.30.1(D).
- (28) The sex of the unborn child, if known, as determined in accordance with R.S. 40:1299.32(A)(3); or an indication that the sex of the unborn child was not determinable.

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AMENDMENT NO. 6

On page 4, after line 5, insert the following:

"Section 3. The Louisiana State Law Institute is hereby authorized to redesignate the number of any Section of statute enacted by this Act in a manner that comports with the technical recodification provisions of House Concurrent Resolution No. 84 of this 2015 Regular Session of the Legislature."