

2018 Regular Session

HOUSE BILL NO. 449

BY REPRESENTATIVES EDMONDS, ABRAHAM, AMEDEE, ANDERS, BACALA, BAGLEY, BAGNERIS, BARRAS, BERTHELOT, TERRY BROWN, CARMODY, STEVE CARTER, CHANEY, CONNICK, COUSSAN, COX, CREWS, DWIGHT, EMERSON, FALCONER, GAROFALO, GISCLAIR, GUINN, LANCE HARRIS, HAVARD, HAZEL, HENSGENS, HILFERTY, HODGES, HOFFMANN, HORTON, HOWARD, HUNTER, HUVAL, JACKSON, JEFFERSON, JOHNSON, NANCY LANDRY, LEBAS, MAGEE, MARCELLE, MIGUEZ, JAY MORRIS, PEARSON, PIERRE, POPE, PYLANT, REYNOLDS, RICHARD, SCHEXNAYDER, SIMON, STAGNI, STOKES, THOMAS, WRIGHT, AND ZERINGUE

ABORTION: Enacts the Adoption Option Act providing for information on adoption to be conveyed pursuant to the Woman's Right To Know law

1 AN ACT  
2 To amend and reenact R.S. 40:1061.17(C)(1)(e) and (D)(introductory paragraph) and (2) and  
3 to enact R.S. 40:1061.17.1, relative to regulation of abortion; to provide for  
4 information to be conveyed pursuant to the Woman's Right To Know law; to provide  
5 relative to the abortion alternatives and informed consent website of the Louisiana  
6 Department of Health; to provide for delivery of information concerning adoption;  
7 to provide for a task force to assist the Louisiana Department of Health in developing  
8 certain informational resources; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:1061.17(C)(1)(e) and (D)(introductory paragraph) and (2) are  
11 hereby amended and reenacted and R.S. 40:1061.17.1 is hereby enacted to read as follows:

12 §1061.17. Woman's Right To Know

13 \* \* \*

14 C. Publication of abortion alternatives and informed consent website.



1           (2)(a) A list arranged geographically of Louisiana-based public or private  
2           nonprofit agencies, including the name, physical address, website address if  
3           available, and telephone number of each of the following:

4                   (i) Entities which offer obstetric ultrasounds free of charge.

5                   (ii) Entities which offer free and confidential counseling to a woman  
6           considering placing her child for adoption, along with the information provided  
7           pursuant to Subparagraph (C)(1)(e) of this Section.

8           (b) The lists provided for in this Subsection shall not include any facility that  
9           counsels, refers, performs, induces, prescribes, or provides any means for abortion.

10                                           \*       \*       \*

11           §1061.17.1. Development of AdoptionOption.La.Gov website; task force

12           The legislature hereby establishes a task force within the Louisiana  
13           Department of Health to advise the secretary of the department concerning the  
14           preparation of the printed and Internet materials provided for in R.S.  
15           40:1061.17(C)(1)(e) and (D), and to develop public education initiatives to publicize  
16           the information in a manner consistent with state law. The task force shall be  
17           composed of the following members:

18                   (1) Up to two licensed clinical social workers licensed by the Louisiana State  
19           Board of Social Work Examiners, each of whom shall have experience in assisting  
20           birth mothers in navigating the adoption process, appointed by the governor.

21                   (2) Up to two Louisiana residents who provide pre-abortion or post-abortion  
22           counseling in association with a nonprofit organization that does not counsel for or  
23           provide abortion, appointed by the governor.

24                   (3) Up to two attorneys licensed in Louisiana and employed by nonprofit  
25           organizations who specialize in advocacy for women at risk of being coerced into  
26           abortion, or who specialize in navigating the adoption process, appointed by the  
27           governor.

28                   (4) Up to two Louisiana residents who are employed by public or private  
29           nonprofit adoption agencies, appointed by the governor.

1           (5) Up to two executive directors of Louisiana nonprofit organizations that  
2           promote adoption as an alternative to abortion, or their designees.

3           (6) Two members of the Senate appointed by the president.

4           (7) Two members of the House of Representatives appointed by the speaker.

5           (8) The secretary of the Louisiana Department of Health or his designee,  
6           who shall serve as a co-chairperson of the task force.

7           (9) The secretary of the Department of Children and Family Services or his  
8           designee, who shall serve as a co-chairperson of the task force.

9           Section 2. The Louisiana Department of Health shall prepare and make publicly  
10          available the printed and Internet materials provided for in R.S. 40:1061.17(C)(1)(e) and (D),  
11          as amended by Section 1 of this Act, on or before April 8, 2019.

12          Section 3. This Act may be referred to as the "Adoption Option Act".

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 449 Reengrossed

2018 Regular Session

Edmonds

**Abstract:** Provides relative to information on adoption to be conveyed pursuant to laws relative to informed consent to an abortion.

Proposed law provides that it may be referred to as the "Adoption Option Act".

Present law requires the La. Dept. of Health (LDH) to publish an abortion alternatives and informed consent website. Provides for information to be featured on the website including information on adoption.

Proposed law retains present law and stipulates that the website shall feature information on adoption agencies that are not affiliated with an abortion provider, along with easily comprehensible first steps to aid pregnant women seeking to confidentially explore the option of placing her child for adoption, and indicating whether the adoption agency allows the woman to choose the adoptive parents.

Proposed law requires that the online adoption-related information required by proposed law be featured on a website created and maintained by the Department of Children and Family Services (DCFS), linked on the LDH website, and accessible by redirecting from the domain name AdoptionOption.La.Gov.

Present law requires LDH to publish printed materials which abortion providers are required to give to a woman prior to an abortion in order for consent to the abortion to be deemed voluntary and informed.

Proposed law retains present law and adds thereto a requirement that such materials include the adoption-related information provided on the abortion alternatives and informed consent website, along with a list of entities which offer free and confidential counseling to a woman considering placing her child for adoption. Stipulates that such list shall not include any facility that counsels, refers, performs, induces, prescribes, or provides any means for abortion.

Proposed law creates a task force within LDH to assist the secretary of the department in the preparation of the printed and Internet materials provided for in present law and proposed law, and to develop public education initiatives to publicize such information on abortion alternatives. Provides that the task force shall be composed of the following members:

- (1) Up to two licensed clinical social workers licensed by the La. State Board of Social Work Examiners, each of whom shall have experience in assisting birth mothers in navigating the adoption process, appointed by the governor.
- (2) Up to two La. residents who provide pre-abortion or post-abortion counseling in association with a nonprofit organization that does not counsel for or provide abortion, appointed by the governor.
- (3) Up to two attorneys licensed in La. and employed by nonprofit organizations who specialize in advocacy for women at risk of being coerced into abortion, or who specialize in navigating the adoption process, appointed by the governor.
- (4) Up to two La. residents who are employed by public or private nonprofit adoption agencies, appointed by the governor.
- (5) Up to two executive directors of La. nonprofit organizations that promote adoption as an alternative to abortion, or their designees.
- (6) Two members of the Senate appointed by the president.
- (7) Two members of the House of Representatives appointed by the speaker.
- (8) The secretary of LDH or his designee, who shall serve as a co-chairperson of the task force.
- (9) The secretary of DCFS or his designee, who shall serve as a co-chairperson of the task force.

Proposed law requires LDH to prepare and make publicly available the printed and Internet materials provided for in present law and proposed law on or before April 8, 2019.

(Amends R.S. 40:1061.17(C)(1)(e) and (D)(intro. para.) and (2); Adds R.S. 40:1061.17.1)

#### Summary of Amendments Adopted by House

##### The House Floor Amendments to the engrossed bill:

1. Revise proposed law to provide that the online adoption-related information required by proposed law be featured on a website created and maintained by the Department of Children and Family Services, linked on the La. Department of Health's website, and accessible by redirecting from the domain name AdoptionOption.La.Gov.
2. Provide that the task force established by proposed law is created within the La. Department of Health, and that its purpose is to advise the secretary of the

department in the preparation of materials an abortion alternatives required by present law and proposed law.

3. Provide that the following members of the task force established by proposed law be appointed by the governor:
  - a. Up to two licensed clinical social workers licensed by the La. State Board of Social Work Examiners, each of whom shall have experience in assisting birth mothers in navigating the adoption process.
  - b. Up to two La. residents who provide pre-abortion or post-abortion counseling in association with a nonprofit organization that does not counsel for or provide abortion.
  - c. Up to two attorneys licensed in La. and employed by nonprofit organizations who specialize in advocacy for women at risk of being coerced into abortion, or who specialize in navigating the adoption process.
  - d. Up to two La. residents who are employed by public or private nonprofit adoption agencies.
4. Add the secretary of the Department of Children and Family Services or his designee as a task force member and provide that he and the secretary of the La. Department of Health shall co-chair the task force.
5. Require that the La. Department of Health prepare and make publicly available the printed and Internet materials provided for in present law and proposed law on or before April 8, 2019.