

SENATE FLOOR AMENDMENTS

2018 Regular Session

Amendments proposed by Senator Milkovich to Reengrossed Senate Bill No. 325 by Senator Milkovich

AMENDMENT NO. 1

On page 1, delete lines 9 through 16, and insert the following:

"A. In addition to any remedy available through the penalty provisions of this Chapter to the Louisiana Department of Health pursuant to R.S. 40:2175.6, or any other provision of law that provides a civil cause of action against an outpatient abortion clinic, the district attorney in any parish in which an outpatient abortion clinic is located, the attorney general, or the governor may petition the court for an injunction to cease and desist all services at the clinic, revoke the clinic's license, and cause the clinic to be permanently closed, if the district attorney, attorney general, or governor has information that an outpatient abortion clinic has:

(1) Performed an abortion on a minor in violation of R.S. 40:1061.14.

(2) Performed a partial birth abortion.

(3) Systematically, intentionally, or deliberately falsified or destroyed patient files or records required by R.S. 40:1061.17.

(4) Prefilled, predated, or completed in advance any portion of patient records or forms required by R.S. 40:1061.17 to include patient specific data, dates, ages, procedure codes, or signatures.

B. In addition to the authority of the Louisiana Department of Health, the district attorney in any parish in which an outpatient abortion clinic is located, the attorney general, and the governor shall have standing to review, inspect, or conduct discovery of all forms required by R.S. 40:1061.17.

C. The destruction of documents and forms required by R.S. 40:1061.17 shall be considered a criminal offense pursuant to R.S. 14:132. The staff of the abortion clinic and the employees of the Louisiana Department of Health shall both be subject to the penalty provisions of this Subsection and R.S. 14:132 if they participated in the destruction of documents or forms required by R.S. 40:1061.17.

D. Public employees of the Louisiana Department of Health shall be subject to malfeasance in office pursuant to R.S. 14:134 for failure to take action against an outpatient abortion clinic for violation of licensing rules and regulations set forth in R.S. 40:2175.1 et seq.

E. Any owner or operator of an outpatient abortion clinic that loses its license pursuant to the provisions of a criminal offense pursuant to this Section, or who has been convicted of R.S. 14: 32.5, R.S. 14:32.9, R.S. 14:32.9.1, R.S. 14: 32.10, R.S. 14:32.11, R.S. 14:87, R.S. 14:87.3, R.S. 14:87.4, R.S. 14:88, R.S. 14:132, or R.S. 14:286, shall be permanently barred from the operation, ownership, or having an interest in ownership, of an outpatient abortion clinic in Louisiana.

F. Performance of an abortion in an unlicensed facility shall be a criminal offense pursuant to R.S. 14:32.9 if the facility is required to have an outpatient abortion facility license pursuant to R.S. 40:2175.1 et seq."