

2021 Regular Session

HOUSE BILL NO. 578

BY REPRESENTATIVES AMEDEE AND EDMONDS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH CARE: Provides relative to disclosure of certain information relative to abortion pill reversal

1 AN ACT

2 To enact R.S. 40:1061.11.1, relative to abortions; to provide for disclosure of medical
3 information to persons who may receive a chemically-induced abortion; to provide
4 for duties for the Louisiana Department of Health; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:1061.11.1 is hereby enacted to read as follows:

7 §1061.11.1. Chemically-induced abortion; information; duties of the department

8 A. When mifepristone is administered, dispensed, or otherwise provided to
9 a pregnant woman by a physician or any person acting under the physician's
10 direction, whether in a licensed outpatient abortion facility, private medical office,
11 or any other facility, then the physician or agent thereof shall provide the disclosure
12 statement found in Subsection B to the pregnant woman. The disclosure statement
13 may be provided by doing any of the following:

14 (1) Stapling the disclosure statement to a bag, envelope, or other package
15 that contains misoprostol for the pregnant woman to self-administer at home.

16 (2) Attaching the disclosure statement to a written prescription for
17 misoprostol provided by the physician or agent thereof.

18 (3) Attaching the disclosure statement to the patient's discharge instructions
19 if the prescription for misoprostol is sent directly to a pharmacy.

1 B. The department shall provide the disclosure statement on an internet
2 webpage created in accordance with the provisions of R.S. 40:1061.17(C). The
3 department shall include on the internet webpage the disclosure statement provided
4 for in this Subsection. The disclosure statement shall be on a standard page which
5 lays out three cut-out notices and features the following text:

6 "ABORTION PILL REVERSAL? PLEASE READ BEFORE TAKING
7 SECOND PILL: Recent research has indicated that the first pill provided, identified
8 as mifepristone, is not always effective in ending a pregnancy. You may be able to
9 avoid, cease, or reverse the intended effects of a chemically-induced abortion if the
10 second pill provided, identified as misoprostol, is not taken and a trained medical
11 professional provides an established progesterone protocol. If you want to discuss
12 the possibility of continuing your pregnancy, please consult your physician or
13 healthcare provider immediately. Please visit www.PregnancyInfo.LA.gov."

14 C. Nothing in this Section shall be construed as creating or recognizing a
15 right to abortion.

16 D. As used in this Section, the following terms have the meanings ascribed
17 to them:

18 (1) "Abortion pill" means the use of mifepristone or misoprostol to induce
19 a chemical abortion.

20 (2) "Mifepristone" means a synthetic steroid that inhibits the action of
21 progesterone, given orally in early pregnancy to induce a chemical abortion.
22 Mifepristone is the first drug used in a two-drug process to induce a chemical
23 abortion.

24 (3) "Misoprostol" means a synthetic prostaglandin E₁ analogue that is used
25 to induce a chemical abortion. Misoprostol is the second drug used in a two-drug
26 process to induce a chemical abortion.

27 Section 2. Any provision of this Act held to be invalid or unenforceable by its terms,
28 or as applied to any person or circumstance, shall be construed so as to give it the maximum
29 effect permitted by law, unless such holding is one of utter invalidity or unenforceability,

- 1 in which event such provision shall be deemed severable in accordance with R.S. 24:175,
2 and shall not affect the remainder hereof or the application of such provision to other persons
3 not similarly situated or to other dissimilar circumstances.
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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)]

HB 578 Reengrossed

2021 Regular Session

Amedee

Abstract: Requires disclosure of certain information relative to abortion pill reversal.

Present law provides for the regulation of abortions in this state to the extent it is provided for under federal law.

Proposed law states that when a physician or agent thereof administers mifepristone to a pregnant woman, he shall provide a disclosure statement to the pregnant woman.

Proposed law further provides that the disclosure statement may be provided by doing any of the following:

- (1) Stapling the disclosure statement to a bag, envelope, or other package that contains misoprostol for the pregnant woman to self-administer at home.
- (2) Attaching the disclosure statement to a written prescription for misoprostol provided by the physician or agent thereof.
- (3) Attaching the disclosure statement to the patient's discharge instruction if the prescription for misoprostol is sent directly to a pharmacy.

Further provides that the department shall provide the disclosure statement on an internet webpage created in accordance with present law. The disclosure statement shall be provided on the webpage. The disclosure statement shall be on a standard page which lays out three cut-out notices and features the following text:

ABORTION PILL REVERSAL? PLEASE READ BEFORE TAKING SECOND PILL: Recent research has indicated that the first pill provided, identified as mifepristone, is not always effective in ending a pregnancy. You may be able to avoid, cease, or reverse the intended effects of a chemically-induced abortion if the second pill provided, identified as misoprostol, is not taken and a trained medical professional provides an established progesterone protocol. If you want to discuss the possibility of continuing your pregnancy, please consult your physician or healthcare provider immediately. Please visit www.PregnancyInfo.La.gov.

Proposed law stipulates that nothing in proposed law shall be construed as creating or recognizing a right to abortion.

Proposed law defines "abortion pill", "mifepristone", and "misoprostol".

Proposed law provides that any provision of this Act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding is one of utter invalidity or unenforceability, in which event such provision shall be deemed severable in accordance

with R.S. 24:175, and shall not affect the remainder hereof or the application of such provision to other persons not similarly situated or to other dissimilar circumstances.

(Adds R.S. 40:1061.11.1)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Change language of disclosure statement required by proposed law.
2. Delete the requirement that LDH identify a certain webpage and display its logo on the webpage.
3. Make technical changes.