

ACT No. 425

2021 Regular Session

HOUSE BILL NO. 423

BY REPRESENTATIVES EMERSON AND EDMONDS

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AN ACT

To amend and reenact R.S. 40:1061.21(A)(4) and R.S. 44:4.1(B)(26) and to enact R.S. 40:1061.21(E) and 2109.1, relative to abortion; to provide for certain reports regarding abortions; to provide for certain reports related to complications of surgical procedures as a result of an abortion; to provide for the promulgation of rules; to provide for an exception to the Public Records Law; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1061.21(A)(4) is amended and reenacted and R.S. 40:1061.21(E) and 2109.1 are hereby enacted to read as follows:

§1061.21. 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:

* * *

(4) The parish and ~~municipality~~ zip code, if any, in which the pregnant woman resides.

* * *

E. The Louisiana Department of Health shall, on a quarterly basis, provide to the Department of Children and Family Services and to the attorney general copies of all abortion reports in which a minor pregnant woman under the age of thirteen received an abortion.

* * *

1 §2109.1. Hospitals reports on complications of surgical procedures resulting from
2 an abortion

3 A. A hospital licensed by the Louisiana Department of Health, pursuant to
4 this Part shall submit a report to the department on patients who present for treatment
5 in the emergency department as a result of complications after an abortion as defined
6 in R.S. 40:1061.9. The report shall be confidential, shall be exempt frm disclosure
7 pursuant to the Public Records Law, R.S. 44:1 et seq., and shall not contain the name
8 or address of the patient.

9 B. The Louisiana Department of Health, in consultation with the Louisiana
10 State Board of Medical Examiners, shall promulgate rules regarding the electronic
11 coding, reporting, and tracking of complications after any abortion that is treated at
12 any hospital.

13 C.(1) The report required by Subsection A of this Section shall include the
14 following information, if known:

15 (a) The date of the abortion,

16 (b) The name and address of the facility where the abortion was performed
17 or induced.

18 (c) The nature of the abortion complication diagnosed or treated.

19 (d) The name and address of the facility where the post-abortion care was
20 performed.

21 (2) Each facility that is subject to the requirements of this Section shall
22 ensure that a staff member of the facility attempts to obtain the information required
23 by Paragraph (1) of this Subsection from any patient prior to the patient's discharge
24 from the facility who presents for treatment in the emergency department of the
25 facility as a result of complications after an abortion.

26 (3) The report shall be submitted on a form created by the Louisiana
27 Department of Health. The Louisiana Department of Health shall publicly report
28 aggregate data annually by facility where the abortion was performed or induced.

1 Section 2. R.S. 44:4.1(B)(26) is hereby amended and reenacted to read as follows:

2 §4.1. Exceptions

3 * * *

4 B. The legislature further recognizes that there exist exceptions, exemptions,
5 and limitations to the laws pertaining to public records throughout the revised
6 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
7 limitations are hereby continued in effect by incorporation into this Chapter by
8 citation:

9 * * *

10 (26) R.S. 40:3.1, 31.14, 31.27, 39.1, 41, 73, 95, 96, 526, 528, 973.1, 978.2.1,
11 1007, 1061.21, 1079.18, 1081.10, 1105.6, 1105.8, 1133.8, 1168.3, 1171.4, 1203.4,
12 1231.4, 1379.1.1(D), 1379.3, 2009.8, 2009.14, 2010.5, 2017.9, 2018, 2018.5, 2019,
13 2020, 2106, 2109.1, 2138, 2175.7(B)(1), 2532, 2845.1

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____