

2025 Regular Session

HOUSE BILL NO. 575

BY REPRESENTATIVES VENTRELLA AND EMERSON

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

ABORTION: Provides relative to liability for the unlawful termination of a pregnancy

1 AN ACT

2 To amend and reenact R.S. 9:2800.12, relative to abortion; to provide a cause of action; to
3 provide damages; to provide definitions; to provide exceptions; and to provide for
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:2800.12 is hereby amended and reenacted to read as follows:

7 §2800.12. Liability for unlawful termination of a pregnancy

8 A.(1) Any person or entity who performs, causes, or substantially facilitates
9 an abortion is liable to the mother of the unborn child and those persons defined in
10 Paragraph (2) of this Section, regardless of whether the abortion resulted in the death
11 of the unborn child. for any damage occasioned or precipitated by the abortion,
12 which An action under this Section survives shall survive for a period of three five
13 years from the date of discovery of the damage with a peremptive period of ten years
14 from the date of the abortion.

15 (2) In addition to the mother of the unborn child, any of the following
16 persons may bring an action for damages under this Section:

17 (a) The natural or biological father of the unborn child except when the
18 father impregnated the mother of the unborn child through an act of rape, sexual
19 assault, or incest.

1 **(b) The maternal and paternal grandparents of the unborn child.**

2 **(c) The legal custodian of the mother of the unborn child if the mother was**
3 **a minor at the time the abortion was caused, performed, or attempted.**

4 B. For purposes of this Section:

5 (1) "Abortion" ~~means the deliberate termination of an intrauterine human~~
6 ~~pregnancy after fertilization of a female ovum, by any person, including the pregnant~~
7 ~~woman herself, with an intention other than to produce a live birth or to remove a~~
8 ~~dead unborn child~~ **shall have the same meaning as provided by R.S. 14:87.1.**

9 (2) ~~"Damage" includes all special and general damages which are~~
10 ~~recoverable in an intentional tort, negligence, survival, or wrongful death action for~~
11 ~~injuries suffered or damages occasioned by the unborn child or mother.~~
12 **"Substantially facilitates" means manufacturing, administering, prescribing,**
13 **dispensing, distributing, marketing, advertising, promoting, or selling an abortion-**
14 **inducing drug.**

15 (3) "Unborn child" means the unborn offspring of human beings from the
16 moment of conception through pregnancy and until termination of the pregnancy.

17 ~~C.(1) The signing of a consent form by the mother prior to the abortion does~~
18 ~~not negate this cause of action, but rather reduces the recovery of damages to the~~
19 ~~extent that the content of the consent form informed the mother of the risk of the~~
20 ~~type of injuries or loss for which she is seeking to recover.~~

21 ~~(2) The laws governing medical malpractice or limitations of liability thereof~~
22 ~~provided in Title 40 of the Louisiana Revised Statutes of 1950 are not applicable to~~
23 ~~this Section.~~

24 **D. A person entitled to bring an action under this Section may recover all of**
25 **the following damages:**

26 **(1) Statutory damages in the amount of not less than one hundred thousand**
27 **dollars if the defendant is not licensed to practice medicine in this state, is an entity**
28 **not licensed to dispense pharmaceutical drugs in this state, or is a foreign**
29 **corporation, limited liability company, partnership, or other business entity.**

1 (2) Special and general damages upon proof of injuries including but not
2 limited to loss of consortium and emotional distress.

3 (3) Exemplary damages upon proof that injuries were caused by a wanton
4 and reckless disregard for the safety of others through acts that cause or attempt to
5 cause an abortion as defined by R.S. 14:87.1, regardless of whether the defendant
6 was prosecuted for the actions.

7 (4) Exemplary damages when the woman upon whom the abortion was
8 performed, caused, or attempted was a minor, regardless of whether the defendant
9 knew or should have known of the minor's age.

10 (5) Court costs and attorney fees.

11 E. The courts shall have personal jurisdiction over any defendant sued under
12 this Section in accordance with R.S. 13:3201.

13 F. Notwithstanding any other law to the contrary, an action under this
14 Section may not be brought against the following:

15 (1) The woman upon whom an abortion was performed, caused, or
16 attempted.

17 (2) A healthcare provider licensed to practice medicine in this state for the
18 provision of healthcare that is not defined as abortion under R.S. 14:87.1.

19 (3) A pharmacist or pharmacy licensed in this state for actions related to
20 filling a prescription for a drug, medicine, or other substance prescribed for a bona
21 fide medical reason.

22 (4) A mental health professional or advocate for sexual assault survivors who
23 provides counseling or support services in a manner that does not include the
24 promotion of or referral to abortion resources.

25 G. When requested, the court shall allow an individual bringing an action
26 under this Section to proceed using the initials or pseudonym of the mother of the
27 unborn child and may close any proceedings in the case or enter other protective
28 orders to preserve the privacy of the woman upon whom the abortion was performed,
29 attempted, or caused.

- 1 H. This Section shall be known and may be cited as the "Justice for Victims
2 of Abortion Drug Dealers 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)]

HB 575 Engrossed

2025 Regular Session

Ventrella

Abstract: Provides relative to causes of action for an unlawful termination of a pregnancy.

Present law (R.S. 9:2800.12(A)) provides that any person who performs an abortion is liable to the mother of the unborn child for any damages. The action survives a period of three years from the date of discovery of the damage with a preemptive period of 10 years from the date of the abortion.

Proposed law changes present law by increasing the prescriptive period from three years from the date of discovery of the damage to five years.

Proposed law also expands present law by including any person or entity who causes or substantially facilitates an abortion. Those persons could be held liable for damages to the following people:

- (1) The natural or biological father of the unborn child except when the father impregnated the mother of the unborn child through act of rape, sexual assault, or incest.
- (2) The maternal and paternal grandparents of the unborn child.
- (3) The legal custodian of the mother of the unborn child if the mother was a minor at the time the abortion was caused, performed, or attempted.

Present law (R.S. 9:2800.12(B)) defines "abortion", "damage", and "unborn child".

Proposed law retains the definition of "unborn child", removes the definition of "damage", and adds the definition of "substantially facilitates". It changes the definition of "abortion" to have the same meaning as provided by R.S. 14:87.1.

Present law (R.S. 9:2800.12(C)(1)) provides that the signing of a consent form by the mother prior to the abortion does not negate a cause of action but reduces the recovery of damages to the extent that the content of the consent form informed the mother of the risk of the type of injuries or loss for which she is seeking to recover. It also provides that medical malpractice or limitations of liability provided in present law do not apply to present law.

Proposed law removes the provision that provides that the signing of a consent form by the mother prior to the abortion does not negate a cause of action but reduces the recovery of damages to the extent that the content of the consent form informed the mother of the risk of the type of injuries or loss for which she is seeking to recover.

Proposed law provides that a person bringing an action under proposed law may recover statutory damages, special damages, general damages, exemplary damages, court costs, and attorney fees.

Proposed law provides that courts shall have personal jurisdiction over any defendant sued under proposed law.

Proposed law provides the following list of persons who are exempt from liability for the provisions of proposed law:

- (1) The woman upon whom an abortion was performed, caused, or attempted.
- (2) A healthcare provider licensed to practice medicine in this state for the provision of healthcare that is not defined as abortion under R.S. 14:87.1.
- (3) A pharmacist or pharmacy licensed in this state for actions related to filling a prescription for a drug, medicine, or other substance prescribed for a bona fide medical reason.
- (4) A mental health professional or advocate for sexual assault survivors who provides counseling or support services in a manner that does not include the promotion of or referral to abortion resources.

Proposed law requires the court, if requested, to allow an individual bringing an action under proposed law to use initials or a pseudonym of the mother of the unborn child. The court may also close any proceedings in the case or enter other protective orders to preserve the privacy of the woman upon whom the abortion was performed, attempted, or caused.

Proposed law provides that it may be known and cited as the "Justice for Victims of Abortion Drug Dealers Act".

(Amends R.S. 9:2800.12)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Make technical changes.
2. Define "substantially facilitates".
3. Add an exemption to liability for any mental health professional or advocate in certain circumstances.