

2025 Regular Session

ACT No. 383

HOUSE BILL NO. 575

BY REPRESENTATIVES VENTRELLA, AMEDEE, BUTLER, CARRIER, DESHOTEL, DEVILLIER, DEWITT, DICKERSON, EDMONSTON, EGAN, EMERSON, FIRMENT, HORTON, MACK, MCCORMICK, OWEN, SCHAMERHORN, THOMPSON, AND WILDER AND SENATOR EDMONDS

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. ~~Any person who performs an abortion is liable to the~~ The mother of the
9 unborn child ~~for any damage occasioned or precipitated by the abortion, which~~ shall
10 have a right and cause of action for damages pursuant to this Section against any
11 person or entity as provided herein who knowingly performs or substantially
12 facilitates an abortion with the intent to achieve that result. An action survives
13 pursuant to this Section shall survive for a period of ~~three~~ five years from the date
14 of discovery of the damage with a preemptive period of ten years from the date of
15 the abortion.

16 B. For purposes of this Section:

17 (1) "Abortion" and "abortion-inducing drug" ~~means the deliberate~~
18 ~~termination of an intrauterine human pregnancy after fertilization of a female ovum,~~
19 ~~by any person, including the pregnant woman herself, with an intention other than~~
20 ~~to produce a live birth or to remove a dead unborn child~~ shall have the same meaning
21 as provided by R.S. 14:87.1.

22 (2) "Damage" ~~includes all special and general damages which are~~
23 ~~recoverable in an intentional tort, negligence, survival, or wrongful death action for~~

1 ~~injuries suffered or damages occasioned by the unborn child or mother.~~

2 "Substantially facilitates" means administering, prescribing, dispensing, distributing,

3 selling, or coordinating the sale of an abortion-inducing drug to a person in this state.

4 "Substantially facilitates" shall not include administering, prescribing, dispensing,

5 distributing, selling, or coordinating the sale of medications for legal, therapeutic

6 purposes under the laws of this state.

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

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

13 ~~(2) The~~ Except as provided in this Section, the laws governing medical
14 malpractice or limitations of liability thereof provided in Title 40 of the Louisiana
15 Revised Statutes of 1950 are not applicable to this Section. There shall be a
16 rebuttable presumption that medical malpractice law pursuant to R.S. 40:1231.1 et
17 seq. applies to any covered healthcare provider licensed to practice in Louisiana and
18 practicing within the lawful scope of practice in accordance with law.

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

21 (1) Statutory damages in the amount of not less than one hundred thousand
22 dollars for the provision of abortion-inducing drugs when it is reasonably foreseeable
23 that the abortion-inducing drugs will be used by or provided to a pregnant woman
24 for the purpose of inducing an abortion.

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

27 (3) Exemplary damages upon proof that injuries were caused by a wanton
28 and reckless disregard for the law or safety of others through intentional acts that
29 performed or substantially facilitated an abortion as defined by R.S. 14:87.1.

1 (4) Exemplary damages when the woman upon whom the abortion was
2 knowingly performed or substantially facilitated was a minor when the defendant
3 knew or should have known the minor's age.

4 (5) Court costs and reasonable attorney fees.

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

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

9 (1) The woman upon whom an abortion was performed or substantially
10 facilitated.

11 (2) A healthcare provider licensed to practice medicine in this state.

12 (3) A pharmacist or pharmacy licensed in this state and acting within the
13 scope of regulations promulgated by the Board of Pharmacy.

14 G. An individual bringing an action under this Section may proceed using
15 the initials or pseudonym of the mother of the unborn child and may seek to close
16 any proceedings in the case or enter other protective orders to preserve the privacy
17 of the woman upon whom the abortion was performed or substantially facilitated.

18 H. This Section shall be known and may be cited as the "Justice for Victims
19 of Abortion Drug Dealers Act".

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____