

RÉSUMÉ DIGEST

ACT 383 (HB 575)

2025 Regular Session

Ventrella

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

Prior law (R.S. 9:2800.12(A)) provided that any person who performed an abortion was liable to the mother of the unborn child for any damages. The action survived a period of three years from the date of discovery of the damage with a peremptive period of 10 years from the date of the abortion.

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

New law also provides that the mother of the unborn child shall have a right and cause of action for damages against any person or entity as provided in new law who knowingly performs or substantially facilitates an abortion.

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

New law retains the definition of "unborn child", and provides that "abortion" and "abortion-inducing drug" shall have the same meaning as provided by R.S. 14:87.1 (criminal abortion statute).

New law deletes the definition of "damage" and defines "substantially facilitates" to mean administering, prescribing, dispensing, distributing, selling, or coordinating the sale for an abortion-inducing drug to a person in this state. Provides further that "substantially facilitates" shall not include administering, prescribing, dispensing, distributing, selling, or coordinating the sale of medications for legal, therapeutic purposes under the laws of this state.

Prior law (R.S. 9:2800.12(C)(1)) provided that the signing of a consent form by the mother prior to the abortion did not negate a cause of action but reduced 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 was seeking to recover.

New law repeals prior law (R.S. 9:2800.12(C)(1)).

New law adds that there shall be a rebuttable presumption that medical malpractice law, pursuant to existing law (R.S. 40:1231.1) et seq., applies to any covered healthcare provider licensed to practice in La. and practicing within the lawful scope of practice in accordance with law.

New law provides that a person bringing an action under new law may recover certain statutory damages, special damages, general damages, exemplary damages, court costs, and reasonable attorney fees.

New law provides that courts shall have personal jurisdiction over any defendant sued under new law.

New law provides the following list of persons who are exempt from liability for the provisions of new law:

- (1) The woman upon whom an abortion was performed, caused, or substantially facilitated.
- (2) A healthcare provider licensed to practice medicine in this state.
- (3) A pharmacist or pharmacy licensed in this state for actions and acting within the scope of regulations promulgated by the Board of Pharmacy.

New law provides that an individual bringing an action under new law may proceed using the initials or a pseudonym of the mother of the unborn child and may seek to 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.

Effective August 1, 2025.

(Amends R.S. 9:2800.12)