

## HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 1262 by Representative Ivey

ABORTION: Provides relative to information to be conveyed to a woman prior to abortion

### Synopsis of Senate Amendments

1. Amends definition of "coerced abortion" in present law relative to child abuse to provide that coerced abortion may occur regardless of whether an abortion procedure has been attempted or completed.
2. In proposed law requiring that materials on psychological impacts of abortion, illegal coercion, abuse, and human trafficking be provided to a woman at least 24 hours prior to an elective abortion, adds an exception to the requirement for provision of such materials in cases of medical emergency.
3. Deletes proposed law providing for all of the following relative to printed materials on psychological impacts of abortion, illegal coercion, abuse, and human trafficking:
  - (a) Requirement that all copies of printed materials created by DHH pursuant to proposed law for distribution to women and minor females considering abortion be marked with a unique identifier printed on three segments that are perforated and can be torn easily from the printed item.
  - (b) Requirements for physicians relative to placing of segments of printed materials bearing the unique identifier in the medical records of women, and inclusion of segments bearing the unique identifier with reports submitted to DHH on abortions performed.
  - (c) Authorization for DHH to produce copies of the materials provided for in proposed law without unique identifiers for distribution to persons other than women and minor females who are required by proposed law to receive the materials.
4. Adds the following requirements relative to the printed materials provided for in proposed law:
  - (a) That the materials be printed in a typeface large enough to be clearly legible, and be available at no cost from DHH upon request and in appropriate number to any person, facility, or hospital.
  - (b) That the DHH website feature the content of the materials, a printable electronic image of the materials, and information on ordering the materials.
  - (c) That DHH promulgate rules and regulations relative to methods of distribution of the materials.
5. Deletes proposed law adding reference to printed materials on psychological impacts of abortion, illegal coercion, abuse, and human trafficking in Woman's Right to Know provisions of present law (R.S. 40:1299.35.6).
6. Deletes proposed law requiring that the following items be included with abortion reports prepared by physicians and submitted to DHH in accordance with present law (R.S. 40:1299.35.10):

- (a) The signed certification form provided for in proposed law indicating that the woman or minor female acknowledged receipt of informational materials concerning psychological impacts, illegal coercion, abuse, and human trafficking.
  - (b) The segments of printed items conveyed to a woman or minor female prior to abortion which would have borne unique identifiers, as requirements that the materials have such identifiers were provided in deleted provisions of proposed law.
7. Adds provision stipulating that requirements of proposed law for physicians or other qualified persons to convey to a woman considering an abortion the materials provided for in proposed law shall not become effective until 30 days after DHH publishes a notice of the availability of the materials.
  8. Makes technical changes.

### **Digest of Bill as Finally Passed by Senate**

Present law relative to acts that constitute child abuse defines "coerced abortion" as the use of force, intimidation, threat of force, threat of deprivation of food and shelter, or the deprivation of food and shelter by a parent or any other person in order to compel a female child to undergo an abortion against her will. Proposed law amends this definition to provide that coerced abortion may occur regardless of whether an abortion procedure has been attempted or completed.

Present law provides that after a woman is determined to be pregnant, no abortion shall be performed or induced without the woman's voluntary and informed consent. Proposed law retains present law and adds requirements and conditions for consent to an abortion to be deemed voluntary and informed.

Proposed law provides a declaration indicating that women of this state have a right to know that undergoing an abortion may have serious psychological impacts, including severe emotional distress and mental and behavioral health afflictions.

Proposed law provides that at least 24 hours prior to undergoing an elective abortion, except in the case of a medical emergency, the woman or minor female considering abortion shall be given a copy of the printed materials on psychological impacts, illegal coercion, abuse, and human trafficking described in proposed law. Proposed law stipulates that provision of these materials is a condition for the woman's or minor female's consent to the abortion to be deemed voluntary and informed.

Proposed law requires that the physician or qualified person, as defined in present law, shall provide to the woman or minor female seeking an abortion the materials required by proposed law individually and in a private room for the purpose of ensuring that she has an adequate opportunity to ask questions and discuss her individual circumstances.

Proposed law requires that the physician or qualified person obtain the signature of the woman or minor female certifying that the printed materials were given to her, and that the signed certification form be kept within the medical record of the woman or minor female for a period of at least seven years.

Proposed law provides that in the case of a minor female considering an abortion, if a parent accompanies the minor female to the appointment with the physician or qualified person, then the physician or qualified person shall provide to the parent copies of the materials that were given to the female in accordance with proposed law.

Proposed law requires DHH to create printed materials and printable Internet-based resources that provide information on mental, emotional, and behavioral health impacts prior to abortion; mental, emotional, and behavioral health impacts after abortion; coerced abortion; and human trafficking. Stipulates that provision of all materials described in proposed law prior to abortion is a condition for the woman's or minor female's consent to the abortion to be deemed voluntary and informed. Provides that the materials resources shall include the following:

- (1) Information, telephone numbers, and links to Internet websites of nonprofit organizations that offer free and confidential access to mental health professionals, social workers, and other trained counselors who serve women and minor females who may experience psychological distress or other mental, emotional, or behavioral health afflictions prior to undergoing an abortion.
- (2) Information, telephone numbers, and links to Internet websites of nonprofit organizations that offer free and confidential access to mental health professionals, social workers, and other trained counselors who serve women and minor females who may experience psychological distress or other mental, emotional, or behavioral health afflictions after undergoing an abortion.
- (3) Information, telephone numbers, and links to Internet websites of nonprofit organizations that offer free and confidential access to mental health professionals, social workers, and other trained counselors who are trained in counseling women and minor females who experience coercion to obtain an abortion concerning the psychological impacts or other mental, emotional, or behavioral health afflictions that may result from experiencing a coerced abortion. Proposed law requires that such materials clearly indicate that coerced abortion is defined in present law as a form of abuse that seriously endangers the physical, mental, and emotional health and safety of a child.
- (4) Information, telephone numbers, and links to Internet websites of nonprofit organizations that offer free and confidential access to mental health professionals, social workers, and other trained counselors for women and minor females who are victims of the crime of human trafficking or the crime of trafficking of children for sexual purposes. Proposed law requires that such materials clearly indicate all of the following:
  - (a) That victims of human trafficking can be safe after their rescue from being trafficked.
  - (b) That Louisiana provides by law for assistance to victims of human trafficking.
  - (c) That there are public and private agencies providing valuable assistance to women and girls who have been commercially and sexually exploited; and that help available to victims of trafficking and other exploitation includes housing assistance, education, job training, and drug addiction counseling.
  - (d) That legal assistance is available to women and girls seeking to escape the sex trade, including assistance in vacating prior prostitution convictions.
  - (e) That the crime of trafficking of children for sexual purposes is subject to the mandatory reporting requirements set forth in present law.

Proposed law provides that any pamphlet concerning human trafficking developed pursuant to proposed law shall be known as the "Point of Rescue" pamphlet.

Proposed law requires DHH to ensure that any mental or behavioral health professional or other counselor to whom a woman or minor female may be referred through the

organizations listed in the materials developed pursuant to proposed law meets all of the following criteria:

- (1) Provides counseling services that objectively address the mental, emotional, and behavioral health effects that may result prior to abortion, after abortion, pursuant to coerced abortion, and from human trafficking.
- (2) Is not affiliated with an abortion provider.

Proposed law establishes the following requirements relative to the printed materials provided for therein:

- (1) That the materials be printed in a typeface large enough to be clearly legible, and be available at no cost from DHH upon request and in appropriate number to any person, facility, or hospital.
- (2) That the DHH website feature the content of the materials, a printable electronic image of the materials, and information on ordering the materials.
- (3) That DHH promulgate rules and regulations relative to methods of distribution of the materials.

Proposed law provides that the governor shall convene a 14-member task force to assist DHH in the preparation of the printed and Internet materials provided for in proposed law. Provides that the task force shall be comprised of the following members:

- (1) One psychologist licensed by the La. State Board of Examiners of Psychologists.
- (2) One physician who is board certified as a psychiatrist and licensed by the La. State Board of Medical Examiners.
- (3) One licensed clinical social worker licensed by the La. State Board of Social Work Examiners.
- (4) Two La. residents who provide pre-abortion or post-abortion counseling in association with a nonprofit organization that does not counsel for or provide abortion.
- (5) Two attorneys licensed in La. who specialize in advocacy for women and minor females who are at risk of being coerced into or psychologically harmed by abortion.
- (6) The executive director of the La. Human Trafficking Task Force.
- (7) The executive director and the residential director of a residential program for women who have been commercially and sexually exploited.
- (8) Two members of the Senate appointed by the president.
- (9) Two members of the House of Representatives appointed by the speaker.
- (10) The secretary of DHH, who shall serve as the chairperson of the task force.

Proposed law stipulates that nothing therein shall be construed to conflict with or supercede the requirement for mandatory reporting of child abuse provided in present law, Ch.C. Art. 603 et seq.

Present law, R.S. 40:1299.35.8, requires each physician who performs an abortion to retain and make part of the medical record of each pregnant woman upon whom an abortion is performed or induced copies of certain forms, certificates, and other documents. Proposed

law retains present law and adds to the enumerated list of items to be retained and made part of the medical record the signed certification form provided for in proposed law indicating that the woman acknowledged receipt of materials concerning psychological impacts, illegal coercion, abuse, and human trafficking.

Proposed law provides that requirements thereof for physicians or other qualified persons to convey to a woman considering an abortion the materials provided for in proposed law shall not become effective until 30 days after DHH publishes a notice of the availability of the materials.

(Amends Ch.C. Art. 603(9) and R.S. 40:1299.35.12; Adds R.S. 40:1299.35.5.2 and 1299.35.8(A)(6))