
HOUSE COMMITTEE AMENDMENTS

2016 Regular Session

Amendments proposed by House Committee on Health and Welfare to Original House Bill
No. 618 by Representative Willmott

1 AMENDMENT NO. 1

2 On page 1, line 3, change "1191.2," to "1191.4,"

3 AMENDMENT NO. 24 On page at the end of line 6, after "hours;" insert "to provide for a notice of parental right
5 form; to establish a limitation of liability;"6 AMENDMENT NO. 3

7 On page 1, after line 19, add the following:

8 "(3) "Miscarried child" means the fetal remains resulting from a
9 spontaneous fetal death that does not require compulsory registration
10 pursuant to the provisions of R.S. 40:47."11 AMENDMENT NO. 4

12 On page 2, delete line 3 in its entirety and insert in lieu thereof the following:

13 "A. Beginning January 1, 2017, prior to the final disposition of a miscarried
14 child, but in no"15 AMENDMENT NO. 516 On page 2, line 4, after "miscarriage" and before "occurs" delete "or stillbirth"17 AMENDMENT NO. 618 On page 2, line 5, after "notify" delete "at least one parent," and insert in lieu thereof the
19 following:20 "the patient, or if the patient is incapacitated, the spouse of the patient,"21 AMENDMENT NO. 722 On page 2, at the end of line 7, after "child" and before the period ":" insert the following:23 "through the use of the notice of parental rights form as provided for in R.S. 40:1191.3"24 AMENDMENT NO. 825 On page 2, line 8, after "counseling" and before "concerning" insert "services"26 AMENDMENT NO. 927 On page 2, line 9, after "child," delete the remainder of the line and insert in lieu thereof the
28 following:29 "if such services are provided by the health facility."

1 AMENDMENT NO. 10

2 On page 2, delete line 10 in its entirety and insert in lieu thereof the following:

3 "B.(1) The patient shall have forty-eight hours from receipt of the
4 notice of parental rights form"

5 AMENDMENT NO. 11

6 On page 2, line 11, after "Section to" delete the remainder of the line and insert in lieu
7 thereof the following:

8 "indicate on the notice of parental rights form the patient's intent to arrange
9 for the final disposition of the miscarried child and to return the notice of
10 parental rights form to the health facility."

11 AMENDMENT NO. 12

12 On page 2, delete lines 12 through 16 in their entirety and insert in lieu thereof the following:

13 "(2) If the health facility receives the patient's completed notice of
14 parental rights form within the time period required by this Subsection, and
15 once it is medically appropriate for the final disposition of the fetal remains
16 to occur, the health facility shall make the remains available to transfer for
17 a minimum of seventy-two hours. After the transfer, the final disposition of
18 the fetal remains by the transferee shall be in accordance with the provisions
19 of Chapter 10 of Title 8 of the Louisiana Revised Statutes of 1950.

20 (3) If the health facility does not receive the patient's completed
21 notice of parental rights form within the time period required by this
22 Subsection,"

23 AMENDMENT NO. 12

24 On page 2, at the beginning of line 17, delete "(1) of this Subsection, the remains" and insert
25 in lieu thereof "the fetal remains"

26 AMENDMENT NO. 13

27 On page 2, line 19, after "both" and before "are" delete "parents" and insert in lieu thereof
28 "the patient and the patient's spouse"

29 AMENDMENT NO. 14

30 On page 2, after line 20, add the following:

31 "§1191.3. Notice of parental rights form
32 Prior to January 1, 2017, the Department of Health and Hospitals
33 shall promulgate, in accordance with the Administrative Procedure Act, a
34 notice of parental rights form to be used by health facilities to comply with
35 the provisions of this Part. The form shall include at a minimum, all of the
36 following:

37 (1) A definitive statement that reads as follows: "This notice of
38 parental rights form is required to be provided to you pursuant to Louisiana
39 law."

40 (2) A brief description of the provisions of this Part along with
41 concise instructions for the patient to follow regarding how to properly
42 complete the form and return it to the health facility in the event the patient
43 desires to arrange for the final disposition of the miscarried child.

1 (3) A concise statement of the timelines that must be satisfied in order
2 for the patient to arrange for the final disposition of the miscarried child.

3 (4) A listing of state, regional, or national grief counseling
4 organizations that may provide counseling services concerning the death of
5 a child.

6 §1191.4. Limitation of liability

7 The provisions of this Part shall not be construed to create a cause of
8 action, nor shall the health facility, or any person authorized to act on behalf
9 of the health facility, be held civilly liable for any damages when a health
10 facility makes a final disposition of the fetal remains in accordance with the
11 provisions of this Part.

12 Section 2. This Act shall become effective upon signature by the
13 governor or, if not signed by the governor, upon expiration of the time for
14 bills to become law without signature by the governor, as provided by Article
15 III, Section 18 of the Constitution of Louisiana. If vetoed by the governor
16 and subsequently approved by the legislature, this Act shall become effective
17 on the day following such approval."