

2021 Regular Session

HOUSE BILL NO. 357

BY REPRESENTATIVE CREWS

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

CHILDREN: Requires reporting of certain information relating to minors who undergo abortions

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AN ACT

To amend and reenact R.S. 40:1061.21(A)(introductory paragraph), (4), (5)(b), and (D) and to enact R.S. 40:1061.21(A)(5)(c), relative to reporting of information in connection with abortions performed in this state; to provide requirements for information to be included in individual reports on abortions performed or induced; to provide for collection of certain information concerning minors who undergo abortions; to provide requirements for information to be included in annual statistical reports of abortion-related data issued by the Louisiana Department of Health; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1061.21(A)(introductory paragraph), (4), (5)(b), and (D) are hereby amended and reenacted and R.S. 40:1061.21(A)(5)(c) is hereby enacted to read as follows:

§1061.21. Reports

A. An individual abortion report for each abortion performed or induced shall be completed by the attending physician. The report shall be confidential and shall not contain the name or address of the woman. The report shall include all of the following:

* * *

1 (4) The parish and ~~municipality~~ zip code, if any, in which the pregnant
2 woman resides.

3 * * *

4 (5)

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6 (b) If the pregnant woman is a minor, the report shall include all of the
7 following:

8 (i)(aa) A notation of whether the abortion was performed pursuant to either
9 notarized parental consent or a judicial bypass order as provided for in R.S.
10 40:1061.14.

11 (bb) If the abortion was performed pursuant to a judicial bypass order as
12 provided for in R.S. 40:1061.14, the report shall indicate the judicial district of the
13 court that issued the order.

14 (ii) A notation indicating whether or not the physician or any other staff
15 member of the abortion facility suspected that the minor was the victim of any form
16 of child abuse or neglect and filed a report of such abuse or neglect in accordance
17 with Children's Code Article 610.

18 (c) If the pregnant woman is a minor and the abortion was performed
19 pursuant to a judicial bypass order as provided for in R.S. 40:1061.14, the report
20 shall include all of the following:

21 (i) A notation indicating whether or not the minor was required to participate
22 in an evaluation and counseling session with a mental health professional from the
23 Louisiana Department of Health or a staff member from the Department of Children
24 and Family Services as provided for in R.S. 40:1061.14(B)(3)(b).

25 (ii) A notation indicating whether or not the court issued a protective order
26 for the minor, afforded her the continued services of a court-appointed special
27 advocate, or did both, as authorized in R.S. 40:1061.14(B)(4)(c).

1 (iii) A notation of whether or not the physician or any other staff member of
2 the abortion facility referred the woman to any licensed professional for post-
3 abortion counseling.

4 (iv) A notation of whether or not the physician or any other staff member of
5 the abortion facility referred the woman to the Louisiana Department of Health or
6 the Department of Children and Family Services for any health services or other
7 human services.

8 * * *

9 D.(1) The Louisiana Department of Health shall be responsible for collecting
10 all abortion reports and complication reports and collating and evaluating all data
11 gathered therefrom, and shall annually publish a statistical report based on such data
12 from abortions performed in the previous calendar year.

13 (2) The annual report required by this Subsection shall include a special
14 section addressing abortions performed on minors. This section of the report shall
15 feature, at minimum, a compilation of the information required by the provisions of
16 Paragraph (A)(5) of this Section to be included in individual abortion reports.

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 357 Original

2021 Regular Session

Crews

Abstract: Requires that certain information relative to minors who undergo abortion be included in individual abortion reports by physicians and in annual statistical reports of abortion-related data issued by the La. Department of Health.

Present law requires that an individual abortion report for each abortion performed or induced be completed by the attending physician. Stipulates that the report shall be confidential and not contain the name or address of the woman and provides for the required content of the report.

Proposed law retains present law and adds the following requirements for the content of individual abortion reports:

(1) If the abortion was performed on a minor, the report shall include a notation indicating whether or not the physician or any other staff member of the abortion facility suspected that the minor was the victim of any form of child abuse or neglect and filed a report of such abuse or neglect in accordance with present law.

- (2) If the abortion was performed on a minor pursuant to a "judicial bypass order" (court order) in lieu of parental consent as allowed in present law, the report shall include all of the following:
- (a) The judicial district of the court that issued the order.
 - (b) An indication of whether or not the minor was required to participate in an evaluation and counseling session with a mental health professional from the La. Department of Health (LDH) or a staff member from the Department of Children and Family Services (DCFS) as allowed in present law.
 - (c) An indication of whether or not the court issued a protective order for the minor, afforded her the continued services of a court-appointed special advocate, or did both, as allowed in present law.
 - (d) An indication of whether or not the physician or any other staff member of the abortion facility referred the woman to any licensed professional for post-abortion counseling.
 - (e) An indication of whether or not the physician or any other staff member of the abortion facility referred the woman to LDH or DCFS for any health services or other human services.

Present law requires that individual abortion reports include the parish and municipality, if any, in which the pregnant woman resides. Proposed law revises present law to require that such reports include the parish and zip code, if any, in which the pregnant woman resides.

Present law requires LDH to collect all individual abortion reports prepared as required by present law and to collate and evaluate all data gathered from the reports. Requires LDH to publish a statistical report annually based on such data from abortions performed in the previous calendar year.

Proposed law retains present law and requires that the annual statistical reports on abortions published by LDH include a special section addressing abortions performed on minors. Requires that this section of the report feature, at minimum, a compilation of the information required by proposed law to be included in individual abortion reports.

(Amends R.S. 40:1061.21(A)(intro. para.), (4), (5)(b), and (D); Adds R.S. 40:1061.21(A)(5)(c))