2018 Regular Session

HOUSE BILL NO. 273

BY REPRESENTATIVES HOFFMANN, BAGLEY, CHANEY, COX, HENSGENS, HORTON, JACKSON, JOHNSON, LEBAS, POPE, STAGNI, AND STOKES

HUMAN REMAINS: Provides relative to post-abortion interment or cremation of human remains

| 1 | AN ACT |
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| 2 | To amend and reenact R.S. 40:1061.25(A), relative to regulation of abortion; to provide |
| 3 | relative to the requirement for post-abortion interment or cremation of human |
| 4 | remains; to provide for an exception to such requirement; and to provide for related |
| 5 | matters. |
| 6 | Be it enacted by the Legislature of Louisiana: |
| 7 | Section 1. R.S. 40:1061.25(A) is hereby amended and reenacted to read as follows: |
| 8 | §1061.25. Remains; disposal in accordance with applicable regulations; |
| 9 | post-abortion harvesting of fetal organs prohibited; penalties |
| 10 | A.(1) Each physician who performs or induces an abortion which does not |
| 11 | result in a live birth shall insure that the remains of the child are disposed of by |
| 12 | interment or cremation, in accordance with the provisions of R.S. 8:651 et seq., |
| 13 | except in the case of an abortion induced by the administration of medications when |
| 14 | the evacuation of any human remains occurs at a later time, neither in the presence |
| 15 | of the inducing physician nor at the facility in which the physician administered the |
| 16 | inducing medications. |
| 17 | (2) The department shall promulgate in accordance with the Administrative |
| 18 | Procedure Act all rules as are necessary to facilitate the transfer and burial of aborted |

| 1 | human remains in a manner consistent with the transfer and burial of unclaimed |
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| 2 | human remains. |
| 3 | * * * |
| 4 | Section 2. This Act shall become effective upon signature by the governor or, if not |
| 5 | signed by the governor, upon expiration of the time for bills to become law without signature |
| 6 | by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If |
| 7 | vetoed by the governor and subsequently approved by the legislature, this Act shall become |
| 8 | effective on the day following such approval. |
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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 273 Engrossed2018 Regular Session

Hoffmann

Abstract: Provides an exception to the requirement for post-abortion interment or cremation of human remains.

<u>Present law</u> requires each physician who performs or induces an abortion which does not result in a live birth to insure that the remains of the child are disposed of by interment or cremation.

<u>Proposed law</u> provides an exception to <u>present law</u> in cases of abortions induced with medications when the evacuation of any human remains occurs at a later time, neither in the presence of the inducing physician nor at the facility in which the physician administered the inducing medications.

<u>Proposed law</u> requires the La. Department of Health to promulgate all rules as are necessary to facilitate the transfer and burial of aborted human remains in a manner consistent with the transfer and burial of unclaimed human remains.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 40:1061.25(A))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Health and Welfare</u> to the <u>original</u> bill:

1. Require the La. Department of Health to promulgate all rules as are necessary to facilitate the transfer and burial of aborted human remains in a manner consistent with the transfer and burial of unclaimed human remains.