2023 Regular Session

HOUSE BILL NO. 461

BY REPRESENTATIVE DUBUISSON

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

ABORTION: Provides relative to exceptions to abortion

1	AN ACT
2	To amend and reenact R.S. 14:87.1(1)(b)(ii) and R.S. 40:1061(I), relative to abortion; to
3	provide relative to the definition of abortion; to provide for exceptions to abortion;
4	and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 14:87.1(1)(b)(ii) is hereby amended and reenacted to read as follows:
7	§87.1. Definitions
8	Wherever used in this Subpart, unless a different meaning clearly appears in
9	the context, the following terms, whether used in the singular or plural, shall have
10	the following meanings:
11	(1)
12	* * *
13	(b) Abortion shall not mean any one or more of the following acts, if
14	performed by a physician:
15	* * *
16	(ii) The removal of a dead unborn child or the inducement or delivery of the
17	uterine contents in case of a positive diagnosis, certified in writing in the woman's
18	medical record along with the results of an obstetric ultrasound test, that the
19	pregnancy has ended or is in the unavoidable and untreatable The performance of
20	a medical procedure to treat a patient who has been diagnosed, in good faith medical

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	judgment and certified in writing in the woman's medical record, with a pregnancy
2	that has ended or is in the process of ending due to spontaneous miscarriage, also
3	known in medical terminology as spontaneous abortion, missed abortion, inevitable
4	abortion, incomplete abortion, or septic abortion, or a medical procedure to treat a
5	patient who has, in good faith medical judgment and certified in writing in the
6	woman's medical record, been diagnosed with a complication that renders the
7	pregnancy nonviable.
8	* * *
9	Section 2. R.S. 40:1061(I) is hereby amended and reenacted to read as follows:
10	§1061. Abortion; prohibition
11	* * *
12	I. The terms as used in this Section have the same meaning as the definitions
13	provided in R.S. 14:87.1. It shall not be a violation of this Section to perform any
14	act or procedure that is not a violation of R.S. 14:87.7 or R.S. 14:87.8, as defined by
15	<u>R.S. 14:87.1.</u>
16	* * *

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)]

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Abstract: Provides for exceptions to abortion.

Present law (R.S. 14:87.1) provides for the definition of "abortion" and various other terms.

Proposed law retains present law.

<u>Present law</u> (R.S. 14:87.1(b)) provides for a list of acts that do not constitute an abortion when performed by a physician.

<u>Present law</u> further provides that one of these acts as provided in <u>present law</u> (R.S. 14:87.1(b)(ii)) is the removal of a dead unborn child or the inducement or delivery of the uterine contents in case of a positive diagnosis, certified in writing in the woman's medical record along with the results of the obstetric ultrasound test, that the pregnancy has ended or is in the unavoidable and untreatable process of ending due to spontaneous miscarriage.

<u>Proposed law</u> amends <u>present law</u> (R.S. 14:87.1(b)(ii)) to provide that an abortion is not the performance of a medical procedure to treat a patient who has been diagnosed, in good faith

medical judgment and certified in writing in the woman's medical record, with a pregnancy that has ended or is in the process of ending due to spontaneous miscarriage, also known in medical terminology as spontaneous abortion, missed abortion, inevitable abortion, incomplete abortion, or septic abortion,

<u>Proposed law</u> provides an exception for a medical procedure that treats a patient who has, in good faith medical judgment and certified in writing in the woman's medical record, been diagnosed with a complication that renders the pregnancy nonviable.

Present law (R.S. 40:1061) provides for a prohibition on abortion and provides for penalties.

Proposed law retains present law.

<u>Present law</u> provides that the terms used in <u>present law</u> (R.S. 40:1061) have the same meaning as the definitions provided in <u>present law</u> (R.S. 14:87.1).

<u>Proposed law</u> amends <u>present law</u> to provide that it shall not be a violation of <u>present law</u> R.S. 40:1061) to perform any act or procedure that is not a violation of <u>present law</u> (R.S. 14:87.7 or R.S. 14:87.8), as defined by <u>present law</u> (R.S. 14:87.1).

(Amends R.S. 14:87.1(1)(b)(ii) and R.S. 40:1061(I))