

SENATE BILL NO. 128

BY SENATOR MILKOVICH AND REPRESENTATIVES AMEDEE, ANDERS, BACALA, BAGLEY, BAGNERIS, BARRAS, BROADWATER, CHAD BROWN, ROBBY CARTER, CHANEY, CONNICK, COX, CREWS, CROMER, DAVIS, DEVILLIER, EDMONDS, EMERSON, FRANKLIN, GAROFALO, GISCLAIR, LANCE HARRIS, HILFERTY, HILL, HODGES, HOFFMANN, HORTON, HOWARD, HUVAL, JACKSON, LEBAS, MCFARLAND, MIGUEZ, JIM MORRIS, PEARSON, PIERRE, POPE, PYLANT, REYNOLDS, RICHARD, SCHRODER, SEABAUGH, STEFANSKI, THOMAS, WHITE AND ZERINGUE

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

1 AN ACT

2 To amend and reenact R.S. 14:87.3(C) and (D) and to enact R.S. 14:87.3(E), relative to
3 certain offenses affecting public morals; to prohibit cutting, resection, excision,
4 harvesting, or removing a body part, organ, or tissue of an aborted unborn child for
5 sale, commerce, transport, research, or profit; to provide penalties; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:87.3(C) and (D) are hereby amended and reenacted and R.S.
9 14:87.3(E) is hereby enacted to read as follows:

10 §87.3. Prohibited cutting, resection, excision, harvesting, removal, sale, receipt,
11 research, commerce, or transport of fetal organs, tissues, and body
12 parts

13 * * *

14 C. After an induced abortion has been completed, no person shall
15 intentionally cut, resection, excise, harvest, or remove any body part, organ, or
16 tissue of the aborted unborn child for any purpose prohibited by this Section,
17 or for sale, commerce, transport, research, or profit.

18 D.(1) Nothing in this Section shall be construed to prohibit any transaction
19 related to the final disposition of the bodily remains of the aborted human being in
20 accordance with state law, or to prohibit any conduct permitted under state law that

1 is undertaken with any of the following purposes:

2 (a) The purpose of providing knowledge solely to the mother, such as for
3 pathological or diagnostic purposes.

4 (b) The purpose of providing knowledge solely to law enforcement officers,
5 such as the case of an autopsy following a feticide.

6 (2) Nothing in this Section shall be construed to prohibit the donation of
7 bodily remains from a human embryo or fetus whose death was caused by a natural
8 miscarriage or stillbirth, in accordance with the guidelines and prohibitions provided
9 in applicable state and federal law.

10 (3) Nothing in this Section shall be construed to affect existing federal or
11 state law regarding the practice of abortion, or to create or recognize a right to
12 abortion.

13 ~~D.E.~~ Any person who violates this Section shall be sentenced to a term of
14 imprisonment at hard labor for not less than ten nor more than fifty years, at least ten
15 years of which shall be served without benefit of probation or suspension of
16 sentence, and may, in addition, be required to pay a fine of not more than fifty
17 thousand dollars.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____