

2016 Regular Session

HOUSE BILL NO. 1019

BY REPRESENTATIVES EDMONDS, ABRAHAM, AMEDEE, BAGLEY, BARRAS, BISHOP, TERRY BROWN, CARMODY, CHANEY, COUSSAN, COX, DEVILLIER, EMERSON, FALCONER, LANCE HARRIS, HENSGENS, HILFERTY, HILL, HOFFMANN, HOLLIS, HORTON, HUVAL, IVEY, MIKE JOHNSON, ROBERT JOHNSON, LEBAS, MIGUEZ, POPE, REYNOLDS, RICHARD, TALBOT, AND ZERINGUE AND SENATOR THOMPSON

1 AN ACT

2 To enact R.S. 40:1061.1.1, relative to regulation of abortion; to provide a definition of
3 genetic abnormality; to prohibit the performance of an abortion and any attempt to
4 perform an abortion when a pregnant woman seeks the abortion because of a genetic
5 abnormality of the unborn child; to provide for an exception regarding the life of the
6 mother; to require information on resources prior to an abortion when a pregnant
7 woman is aware of a genetic abnormality of the fetus; to provide for creation of a
8 resource document; to provide penalties for violations of the prohibition; and to
9 provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 40:1061.1.1 is hereby enacted to read as follows:

12 §1061.1.1. Abortion based on genetic abnormality; prohibition

13 A. As used in this Section, the following terms have the meaning ascribed
14 in this Subsection:

15 (1)(a) "Abortion" shall have the meaning provided in R.S. 40:1061.9.

16 (b)(i) For purposes of this Section, "abortion" shall not include an abortion
17 performed when the pregnancy is diagnosed as medically futile.

18 (ii) For purposes of this Subparagraph, "medically futile" means that, in
19 reasonable medical judgement, the unborn child has a profound and irremediable
20 congenital or chromosomal anomaly that is incompatible with sustaining life after
21 birth. This diagnosis shall be a medical judgment certified in the pregnant woman's

1 medical record by a reasonably prudent physician who is knowledgeable about the
2 case and the treatment possibilities with respect to the medical conditions involved.

3 (2) "Genetic abnormality" means any defect, disease, or disorder that is
4 inherited genetically. The term includes, without limitation, any physical
5 disfigurement, scoliosis, dwarfism, Down syndrome, albinism, amelia, and any other
6 type of physical, mental, or intellectual disability, abnormality, or disease.

7 (3) "Diagnosed" means a determination made by a physician based on the
8 results obtained from any genetic screening or prenatal testing procedure to detect
9 a genetic abnormality.

10 B. Notwithstanding any other provision of law, it shall be unlawful for any
11 person to intentionally perform or attempt to perform an abortion of an unborn child
12 of twenty or more weeks post-fertilization age, as provided for in R.S. 40:1061.1,
13 with knowledge that the pregnant woman is seeking the abortion solely because the
14 unborn child has been diagnosed with either a genetic abnormality or a potential for
15 a genetic abnormality.

16 C.(1) It shall be unlawful for a person to intentionally perform or attempt to
17 perform an abortion of an unborn child of less than twenty weeks post-fertilization
18 age without first providing the pregnant woman with an informational document
19 including resources, programs, and services for pregnant women who have a
20 diagnosis of fetal genetic abnormality and resources, programs, and services for
21 infants and children born with disabilities. The informational document provided for
22 in this Subsection shall be given to the pregnant woman at the same time as the
23 requirements in R.S. 40:1061.17(B).

24 (2) The Department of Health and Hospitals shall develop an informational
25 document to comply with the mandate established in this Section to include
26 resources, programs, and services for pregnant women who have a diagnosis of fetal
27 genetic abnormality and resources, programs, and services for infants and children
28 born with disabilities and shall make such information available to any requesting
29 provider of women's health care services and shall maintain the information on a
30 link on the department's website.

1 D. Whoever violates the provisions of this Section shall be subject to the
2 penalties provided in R.S. 40:1061.29.

3 E. The provisions of this Section shall not apply whenever the abortion is
4 necessary to save the life of the mother.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____