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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

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DIGEST

SB 388 Original

2022 Regular Session

Hewitt

Present law provides for the crime of criminal abortion. Present law defines "criminal abortion" as the performance of an abortion where the abortionist is not a La. licensed physician. Present law provides that any person who is guilty of criminal abortion will be imprisoned at hard labor for not less than one nor more than five years, fined not less than \$5,000 nor more than \$50,000, or both.

Proposed law retains present law but expands the definition of crime of criminal abortion to include the distribution or delivery of certain abortion causing pharmaceutical drugs without a prescription obtained from a La. physician.

Proposed law increases the criminal penalties when a person knowingly performs a criminal abortion that results in the death of the pregnant woman to a prison term of not less than five nor more than 10 years, fined not less than \$10,000 nor more than \$75,000, or both. Proposed law provides that, if the victim of the criminal abortion is under the age of 18, the criminal penalty increases to imprisonment at hard labor for not less than 15 years nor more than 50 years, fined not less than \$15,000 nor more than \$100,000, or both.

Proposed law prohibits the sale of distribution of any chemical abortion drugs which contain mifepristone or misoprostol without a prescription of a duly licensed practitioner authorized by the laws of the state to prescribe prescription drugs. Proposed law provides an exception for contraceptive drugs or devices, Plan B, the morning after-pill, or other emergency contraception which may continue to be sold without a doctor's prescription. Proposed law provides that the Dept. of Health may promulgate rules to allow other products that use mifepristone or misoprostol for uses other than chemical abortions to be marketed and sold without a doctor's prescription. Proposed law provide that whoever sells or distributes chemical abortion drugs without a prescription is subject to criminal penalties of not more than \$1,000 or imprisoned for not more than six months, or both and each instance of a sale or distribution of a chemical abortion drug shall be considered a separate offence for purposes of the criminal penalties.

Present law provides that unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are unlawful.

Proposed law provides that the advertising, offering for sale, sale, or distribution of chemical abortion drugs without a prescription shall be defined as an unfair trade practice.  
Effective August 1, 2022.

(Amends R.S. 14:32.9 and R.S. 51:1402(10); adds R.S. 40:962.2)