

DIGEST

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SB 342 Reengrossed

2022 Regular Session

Jackson

Proposed law provides that notwithstanding any other provision of law to the contrary, all laws or parts of laws prohibiting or regulating abortion in conflict with a provision of law subsequently enacted by the legislature prohibiting or regulating abortion are not repealed by the law subsequently enacted, and that a subsequently enacted law may expressly repeal other laws.

Proposed law provides that no governing authority of a political subdivision shall enact any ordinance or regulation that authorizes or regulates abortion.

Proposed law provides that unless otherwise specifically provided, the provisions of each act of the legislature prohibiting or regulating abortion are severable, whether or not a provision to that effect is included in the act, and if any provision or item of an act prohibiting or regulating abortion, or the application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of the act which can be given effect without the invalid provision, item, or application; further provides that proposed law shall apply to acts of the legislature affecting present law.

Proposed law provides that it shall be unlawful for a physician or other person to perform an abortion, with or without the consent of the pregnant female.

Proposed law provides definitions for "abortion", "physician", "gestational age", "late term abortion", and "unborn child".

Proposed law provides that whoever commits the crime of abortion shall be imprisoned at hard labor for not less than one year nor more than 10 years and shall be fined not less than \$10,000 nor more than \$100,000.

Proposed law provides that it shall be unlawful for a physician or other person to perform a late term abortion, with or without the consent of the pregnant female, and that whoever commits the crime of late term abortion shall be imprisoned at hard labor for not less than one year nor more than 15 years and shall be fined not less than \$20,000 nor more than \$200,000.

Proposed law does not apply to a pregnant female upon whom an abortion is committed or performed in violation of proposed law and the pregnant female cannot be held responsible for the criminal consequences of any violation of proposed law.

Proposed law does not apply to the sale, use, prescription, or administration of a contraceptive measure, drug, chemical, or an emergency contraceptive containing Levonorgestrel if it is administered prior to the time when a pregnancy could be determined through conventional medical testing and if the contraceptive measure is sold, used, prescribed, or administered in accordance with manufacturer instructions.

Proposed law takes effect and becomes operative immediately upon, and to the extent permitted by, the occurrence of any of the following circumstances:

- (1) Any decision of the U.S. Supreme Court which overrules, in whole or in part, *Roe v. Wade*, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed. 2d 147 (1973), thereby restoring to the state of Louisiana the authority to prohibit, limit, or regulate abortion.
- (2) Adoption of an amendment to the U.S. Constitution which, in whole or in part, restores to the state of Louisiana the authority to prohibit or limit abortion.

- (3) A decision of the U.S. Supreme Court in the case of *Dobbs v. Jackson Women's Health Organization*, Docket No. 19-1392, which overrules, in whole or in part, *Roe v. Wade*, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed. 2d 147 (1973), thereby restoring to the state of Louisiana the authority to prohibit, limit, or regulate abortion.

Proposed law revises present law to provide that any person in violation of present law shall be prosecuted pursuant to the effective provisions of proposed law, R.S. 14:87.7, and shall be subject to the penalties provided in present law, R.S. 40:1061.29.

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

(Amends R.S. 40:1061(D) and 1061.1.3(C); Adds R.S. 1:18, 14:87.7, and 87.8; Repeals R.S. 14:87)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Amends and reenacts the crime of abortion.
2. Adds definition of "late-term abortion" and provides exceptions.
3. Adds 3 exceptions to late-term abortions.
4. Adds an effective date contingent upon action by the U.S. Supreme Court.
5. Makes technical changes.

Senate Floor Amendments to engrossed bill

1. Provides for penalties relative to crimes associated with abortion.
2. Creates the construction of laws relative to abortion.
3. Creates the crime of abortion.
4. Creates the crime of late term abortion.
5. Present law elements, definitions and penalties of the crime of abortion.
6. Makes technical changes.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the reengrossed bill:

1. Remove language regarding whether the provisions of proposed law may be construed to restrict a local governing authority from prohibiting or regulating abortion in certain instances and provide that no governing authority of a political subdivision shall enact any ordinance or regulation that authorizes or regulates abortion.
2. Revise effectiveness and operativeness provisions set forth in proposed law and provide that proposed law shall take effect and become operative immediately upon, and to the extent permitted, by the occurrence of any of the following circumstances:
 - a. Any decision of the U.S. Supreme Court which overrules, in whole or in part, *Roe v. Wade*, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed. 2d 147 (1973), thereby restoring to the state of Louisiana the authority to prohibit, limit, or regulate abortion.

- b. Adoption of an amendment to the U.S. Constitution which, in whole or in part, restores to the state of Louisiana the authority to prohibit or limit abortion.
 - c. A decision of the U.S. Supreme Court in the case of Dobbs v. Jackson Women's Health Organization, Docket No. 19-1392, which overrules, in whole or in part, Roe v. Wade, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed. 2d 147 (1973), thereby restoring to the state of Louisiana the authority to prohibit, limit, or regulate abortion.
3. Add emergency contraceptives that contain a certain ingredient to the illustrative listing of contraceptive measures, drugs, and chemicals provided in proposed law.
 4. Make technical changes.