

Regular Session, 2014

HOUSE BILL NO. 590

BY REPRESENTATIVES HARRIS, BERTHELOT, STUART BISHOP, BURFORD, HENRY BURNS, TIM BURNS, CHAMPAGNE, CROMER, GEYMAN, GREENE, HODGES, HOFFMANN, HOLLIS, HOWARD, HUVAL, MACK, POPE, SCHEXNAYDER, SCHRODER, SEABAUGH, SIMON, STOKES, AND WHITNEY

ABORTION: (Constitutional Amendment) Prohibits the use of public monies for abortion and provision of public monies to providers of abortion except as may be required by the federal government as a condition of federal financial participation in a public medical assistance program

1 A JOINT RESOLUTION
2 Proposing to add Article VII, Section 17.1 of the Constitution of Louisiana, relative to
3 abortion; to establish conditional prohibitions on the use of public monies for
4 abortion, and on provision of public monies to any organization that performs
5 elective abortion; to provide for submission of the proposed amendment to the
6 electors; and to provide for related matters.

7 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
8 elected to each house concurring, that there shall be submitted to the electors of the state of
9 Louisiana, for their approval or rejection in the manner provided by law, a proposal to add
10 Article VII, Section 17.1 of the Constitution of Louisiana, to read as follows:

11 §17.1. Public Monies; Uses Related to Abortion Prohibited
12 A. No public monies made available to any institution, board, commission,
13 department, agency, official, or employee of the state of Louisiana, or of any local
14 political subdivision thereof, whether such funds are made available by the
15 government of the United States, the state of Louisiana, or of a local governmental
16 subdivision, or from any other public source shall be used in any way for, to assist
17 in, or to provide facilities for an abortion, except when the abortion is medically

1 necessary to prevent the death of the mother or when such use of monies is required
2 as a condition of federal financial participation in a public medical assistance
3 program.

4 B. No public monies made available to any institution, board, commission,
5 department, agency, official, or employee of the state of Louisiana, or of any local
6 political subdivision thereof, whether such funds are made available by the
7 government of the United States, the state of Louisiana, or of a local governmental
8 subdivision, or from any other public source shall be provided to any organization
9 that provides elective abortions, irrespective of whether the organization performs
10 such abortions in this state, and of whether it performs such abortions directly or
11 through an affiliate, except when such use of monies is required as a condition of
12 federal financial participation in a public medical assistance program.

13 C. Definitions. As used in this Article, "abortion", "affiliate", and "elective
14 abortion" shall have the following meanings:

15 (1) "Abortion" means the act of using or prescribing any instrument,
16 medicine, drug, or any other substance, device, or means with the intent to terminate
17 the clinically diagnosable pregnancy of a woman with knowledge that the
18 termination by those means will, with reasonable likelihood, cause the death of the
19 unborn child. Such use, prescription, or means is not an abortion if done with the
20 intent to:

21 (a) Save the life or preserve the health of an unborn child.

22 (b) Remove a dead unborn child or induce delivery of the uterine contents
23 in case of a positive diagnosis, certified in writing in the woman's medical record
24 along with the results of an obstetric ultrasound test, that the pregnancy has ended
25 or is in the unavoidable and untreatable process of ending due to spontaneous
26 miscarriage, also known in medical terminology as spontaneous abortion, missed
27 abortion, inevitable abortion, incomplete abortion, or septic abortion.

28 (c) Remove an ectopic pregnancy.

1 (2) "Affiliate" means means an organization, individual, or any other entity
2 that has a legal relationship with another organization, individual, or any other entity,
3 and such relationship is established or governed by at least one written instrument
4 that demonstrates one or more of the following:

5 (a) Common ownership, management, or control.

6 (b) The existence of a franchise.

7 (c) The granting or extension of a license or other agreement that authorizes
8 common use of a brand name, trademark, service mark, or other registered
9 identification mark.

10 (3) "Elective abortion" means any abortion that does not meet either of the
11 following criteria:

12 (a) Is medically necessary to prevent the death of the mother.

13 (b) Is performed on a woman when her pregnancy resulted from rape or
14 incest.

15 Section 2. Be it further resolved that this proposed amendment shall be submitted
16 to the electors of the state of Louisiana at the statewide election to be held on November 4,
17 2014.

18 Section 3. Be it further resolved that on the official ballot to be used at the election,
19 there shall be printed a proposition, upon which the electors of the state shall be permitted
20 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
21 follows:

22 Do you support an amendment to prohibit any public monies, whether state
23 or federal, from being used for elective abortion and to prohibit public
24 monies from going to any provider of elective abortion, except when such
25 use of monies may be required by the federal government to continue
26 Louisiana's participation in a major public health care program? (Adds
27 Article VII, Section 17.1)

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)]

Harris

HB No. 590

Abstract: Prohibits the use of public monies for abortion and provision of public monies to providers of abortion except as may be required by the federal government as a condition of federal financial participation in a public medical assistance program.

Proposed constitutional amendment prohibits the use of monies from any public source for each of the following purposes, except when such use is required as a condition of federal financial participation in a public medical assistance program:

- (1) To provide in any way for, to assist in, or to provide facilities for an abortion.
- (2) To fund any organization that provides elective abortions, irrespective of whether the organization performs such abortions in this state, and of whether it performs such abortions directly or through an affiliate.

Proposed constitutional amendment provides that for purposes of proposed constitutional amendment, the following definitions of "abortion", "affiliate", and "elective abortion" apply:

- (1) "Abortion" means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child. Such use, prescription, or means is not an abortion if done with the intent to:
 - (a) Save the life or preserve the health of an unborn child.
 - (b) Remove a dead unborn child or induce 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 an obstetric ultrasound test, that the pregnancy has ended or is in the unavoidable and untreatable process of ending due to spontaneous miscarriage, also known in medical terminology as spontaneous abortion, missed abortion, inevitable abortion, incomplete abortion, or septic abortion.
 - (c) Remove an ectopic pregnancy.
- (2) "Affiliate" means means an organization, individual, or any other entity that has a legal relationship with another organization, individual, or any other entity, and such relationship is established or governed by at least one written instrument that demonstrates one or more of the following:
 - (a) Common ownership, management, or control.
 - (b) The existence of a franchise.
 - (c) The granting or extension of a license or other agreement that authorizes common use of a brand name, trademark, service mark, or other registered identification mark.

- (3) "Elective abortion" means any abortion that does not meet either of the following criteria:
- (a) Is medically necessary to prevent the death of the mother.
 - (b) Is performed on a woman when her pregnancy resulted from rape or incest.

Provides for submission of the proposed amendment to the voters at the statewide election to be held November 4, 2014.

(Adds Const. Art. VII, §17.1)