

2016 Regular Session

HOUSE BILL NO. 606

BY REPRESENTATIVES HOFFMANN, ABRAHAM, AMEDEE, ARMES, BAGLEY, BARRAS, BERTHELOT, BISHOP, CARMODY, STEVE CARTER, CHANEY, COUSSAN, COX, DEVILLIER, DWIGHT, EDMONDS, EMERSON, FALCONER, GAROFALO, GISCLAIR, LANCE HARRIS, HENSGENS, HILFERTY, HILL, HODGES, HOLLIS, HORTON, HOWARD, HUVAL, IVEY, JACKSON, MIKE JOHNSON, NANCY LANDRY, LEBAS, LEOPOLD, MACK, MCFARLAND, MIGUEZ, JAY MORRIS, JIM MORRIS, PEARSON, POPE, PUGH, PYLANT, REYNOLDS, RICHARD, SCHEXNAYDER, SCHRODER, SIMON, THIBAUT, WILLMOTT, AND ZERINGUE

FUNDS/FUNDING: Prohibits entities that perform abortions from receiving public funding for any purpose

1 AN ACT

2 To amend and reenact R.S. 40:1061.6(A) and to enact Chapter 1-A of Title 36 of the
3 Louisiana Revised Statutes of 1950, to be comprised of R.S. 36:21, relative to
4 authorized uses of public funds; to prohibit certain uses of public funds by
5 institutions, boards, commissions, departments, agencies, officials, and employees
6 of the state or its political subdivisions; to prohibit entities that perform abortions
7 from receiving public funding for any purpose; to provide for construction of the
8 prohibition; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Chapter 1-A of Title 36 of the Louisiana Revised Statutes of 1950,
11 comprised of R.S. 36:21, is hereby enacted to read as follows:

12 CHAPTER 1-A. ELIGIBILITY OF ABORTION PROVIDERS

13 FOR PUBLIC FUNDING

14 §21. Public funding for abortion providers; prohibition

15 A. For purposes of this Chapter, the term "abortion" shall have the meaning
16 ascribed in R.S. 40:1061.9.

17 B.(1) No institution, board, commission, department, agency, official, or
18 employee of the state, or of any local political subdivision thereof, shall contract

1 with, award any grant to, or otherwise bestow any funding upon, an entity or
2 organization that performs abortions, or that contracts with an entity or organization
3 that performs abortions, in this state. The prohibition provided in this Section shall
4 apply to state funds, federal funds, and any other funds that may be used for purposes
5 of contracting for services, providing reimbursements, or grant issuance.

6 (2) The prohibition provided in this Section shall not be construed to restrict
7 funding to an entity that may perform the following types of abortions, exclusively:

8 (a) An abortion which is medically necessary to prevent the death of the
9 mother.

10 (b) An abortion in a case when the mother is a victim of rape or incest.

11 (c) An abortion performed when the pregnancy is diagnosed as medically
12 futile. For purposes of this Subparagraph, "medically futile" means that, in
13 reasonable medical judgment, the unborn child has a profound and irremediable
14 congenital or chromosomal anomaly that is incompatible with sustaining life after
15 birth. This diagnosis shall be a medical judgment certified in the pregnant woman's
16 medical record by a reasonably prudent physician who is knowledgeable about the
17 case and the treatment possibilities with respect to the medical conditions involved.

18 Section 2. R.S. 40:1061.6(A) is hereby amended and reenacted to read as follows:

19 §1061.6. Use of public funds

20 A.(1) Notwithstanding any other provision of law to the contrary, no public
21 funds, made available to any institution, board, commission, department, agency,
22 official, or employee of the state of Louisiana, or of any local political subdivision
23 thereof, whether such funds are made available by the government of the United
24 States, the state of Louisiana, or of a local governmental subdivision, or from any
25 other public source shall be used in any way for, to assist in, or to provide facilities
26 for an abortion, except when the abortion is medically necessary to prevent the death
27 of the mother.

28 (2) No institution, board, commission, department, agency, official, or
29 employee of the state, or of any local political subdivision thereof, shall contract

1 with, award any grant to, or otherwise bestow any funding upon, an entity or
2 organization that performs abortions, or that contracts with an entity or organization
3 that performs abortions, in this state, as more specifically provided in Chapter 1-A
4 of Title 36 of the Louisiana Revised Statutes of 1950.

5 Section 3. 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.

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)]

HB 606 Reengrossed

2016 Regular Session

Hoffmann

Abstract: Prohibits entities that perform abortions from receiving public funding for any purpose from institutions, boards, commissions, departments, agencies, officials, or employees of the state or its political subdivisions.

Present law provides that no public funds of any institution, board, commission, department, agency, official, or employee of the state, or of any local political subdivision thereof, shall be used in any way for, to assist in, or to provide facilities for an abortion, except when the abortion is medically necessary to prevent the death of the mother. Proposed law retains present law.

Proposed law provides that no institution, board, commission, department, agency, official, or employee of the state, or of any local political subdivision thereof, shall contract with, award any grant to, or otherwise bestow any funding upon an entity or organization that performs abortions, or that contracts with an entity or organization that performs abortions, in Louisiana. Provides that the prohibition shall apply to state funds, federal funds, and any other funds that may be used for purposes of contracting for services, providing reimbursements, or grant issuance.

Proposed law stipulates that the prohibition provided therein shall not be construed to restrict funding to an entity that may perform the following types of abortions, exclusively:

- (1) An abortion which is medically necessary to prevent the death of the mother.
- (2) An abortion in a case when the mother is a victim of rape or incest.
- (3) An abortion performed when the pregnancy is diagnosed as medically futile. Provides that for purposes of proposed law, "medically futile" means that, in reasonable medical judgment, the unborn child has a profound and irremediable congenital or chromosomal anomaly that is incompatible with sustaining life after birth. Stipulates that this diagnosis shall be a medical judgment certified in the pregnant woman's medical record by a reasonably prudent physician who is

knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

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

(Amends R.S. 40:1061.6(A); Adds R.S. 36:21)

Summary of Amendments Adopted by House

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

1. Stipulate that the prohibition provided in proposed law shall not be construed to restrict funding to an entity that may from time to time perform an abortion when the pregnancy is diagnosed as medically futile.
2. Provide that for purposes of proposed law, "medically futile" means that, in reasonable medical judgment, the unborn child has a profound and irremediable congenital or chromosomal anomaly that is incompatible with sustaining life after birth; and that this diagnosis must be a medical judgment that would be made by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

The House Floor Amendments to the engrossed bill:

1. Provide that for purposes of proposed law, a diagnosis of a pregnancy as medically futile shall be a medical judgment certified in the pregnant woman's medical record.
2. Make technical changes.