
DIGEST

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HB 63 Original

2024 Regular Session

Newell

Abstract: Amends definitions relative to the crime of abortion.

Present law provides for the crime of abortion.

Present law provides that abortion is not the removal of an ectopic pregnancy.

Proposed law retains present law and adds that removal of an ectopic pregnancy through surgery or treatment is not an abortion.

Present law provides that treatment of an ectopic pregnancy with methotrexate is not considered an abortion.

Proposed law removes this exception.

Present law provides that abortion is not the performance of a medical procedure necessary in good faith medical judgment or reasonable medical judgment to prevent the death or substantial risk of death to the pregnant woman due to a physical condition, or to prevent the serious, permanent impairment of a life-sustaining organ of a pregnant woman.

Proposed law retains present law and adds a provision for the treatment of cancer or blood disorders such as sickle cell anemia and hemophilia.

Present law further provides that a physician shall make reasonable medical efforts under the circumstances to preserve both the life of the mother and the life of her unborn child in a manner consistent with reasonable medical practice.

Proposed law removes this provision of present law.

Present law defines "clinically diagnosable pregnancy" as a pregnancy that is capable of being verified by one of the following conventional medical testing methods, whether or not any testing was in fact performed by any person:

- (1) A blood or urine test, whether used at home or in a medical setting, that tests for the human pregnancy hormone known as human chorionic gonadotropin that medically indicates that implantation has occurred.

(2) An ultrasound examination.

Proposed law retains present law and provides that a molar pregnancy, and any variant thereof, shall not be a clinically diagnosable pregnancy.

Present law defines "contraceptive" as any device, measure, drug, chemical, or product, including single-ingredient levonorgestrel, that has been approved by the United States Food and Drug Administration for the purpose of preventing pregnancy and is intended to be administered prior to the time when a clinically diagnosable pregnancy can be determined, provided that the contraceptive is sold, prescribed, or administered in accordance with manufacturer's instructions.

Proposed law amends the present law definition of "contraceptive" to add endometrial implantation modification.

Present law defines "medically futile" as in reasonable medical judgment as certified by two physicians, the unborn child has a profound and irremediable congenital or chromosomal anomaly that is incompatible with sustaining life after birth.

Proposed law retains present law and adds to this definition or a spontaneous, profound, and irremedial complication of the pregnancy that makes the carriage to term of the unborn child likely due to the profound and irremediable spontaneous complication.

(Amends R.S. 14:87.1(1)(b)(ii), (iii), and (v), (6), and (19)(a))