

New law prohibits a physician from performing a partial birth abortion. Provides for an exception when the partial birth abortion is necessary to save the life of the mother whose life is endangered by a physical disorder, physical illness, or physical injury.

New law provides for criminal penalties including a fine of not less than \$10,000 nor more than \$100,000, imprisonment at hard labor for not less than one nor more than ten years, or both.

New law defines "partial birth abortion" and "physician".

New law authorizes a defendant charged with such offense to seek a review by the La. State Board of Medical Examiners, provides for admissibility of those findings in the trial of the defendant, and provides that such report shall be discoverable.

New law prohibits a woman upon whom a partial birth abortion is performed from being prosecuted for this offense, as a principal, accessory or coconspirator.

New law creates a cause of action for civil damages for injuries and wrongful death for a partial birth abortion procedure. Provides that the cause of action shall be maintained by the following persons:

- (1) Father of the fetus.
- (2) Mother of the fetus, unless she is of the full age of majority and consented to the procedure.
- (3) Parents or guardian of the mother if she is a minor, unless they consented to the procedure.

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

(Adds R.S. 14:32.10 and R.S. 40:1299.35.17; Repeals R.S. 14:32.9 and R.S. 40:1299.35.16)