

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 181

2018 Regular Session

Milkovich

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

ABORTION. Prohibits abortions later than fifteen weeks gestational age.
(gov sig)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Provides provisions become effective upon final decision of the U.S. Court of Appeals for the Fifth Circuit upholding the Act that originated as House Bill 1510 of the 2018 Regular Session of the Mississippi Legislature.
2. Prohibits abortion after 15 weeks gestational age instead of 15 weeks following conception.
3. Adds provisions regarding penalties and prosecution of persons in violation of proposed law.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

SB 181 Reengrossed

2018 Regular Session

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Present law defines "abortion" as the performance of any of the following acts, with the specific intent of terminating a pregnancy:

- (1) Administering or prescribing any drug, potion, medicine, or any other substance to a female.
- (2) Using any instrument or external force whatsoever on a female.

Present law provides that present law relative to abortion does not apply to the female who has an abortion.

Present law provides that it is not unlawful for a physician to perform any of the acts defined by present law as abortion if performed under the following circumstances:

- (1) The physician terminates the pregnancy in order to preserve the life or health of the unborn child or to remove a stillborn child.
- (2) The physician terminates a pregnancy for the express purpose of saving the life, preventing the permanent impairment of a life sustaining organ or organs, or to prevent a substantial risk of death of the mother.
- (3) The physician terminates a pregnancy by performing a medical procedure necessary in reasonable medical judgment to prevent the death or substantial risk of death due to a physical condition, or to prevent the serious, permanent impairment of a life-sustaining organ of a pregnant woman.

Present law defines "physician" as any person licensed to practice medicine in this state.

Present law defines "unborn child" as the unborn offspring of human beings from the moment of fertilization until birth.

Present law provides that whoever commits the crime of abortion is to be imprisoned at hard labor for between one year and 10 years and fined between \$10,000 and \$100,000. Present law further provides that this penalty does not apply to the female who has an abortion.

Proposed law retains present law but adds that, relative to the crime of abortion, it is unlawful for a physician to perform an abortion after 15 weeks gestational age.

Proposed law adds definitions of "abortion" and "gestational age".

Proposed law also provides that, relative to the crime of abortion, proposed law will become effective upon final decision of the United States Court of Appeals for the Fifth Circuit upholding the Act that originated as House Bill 1510 of the 2018 Regular Session of the Mississippi Legislature, which decision would thereby provide the authority for a state within the jurisdiction of that court of appeals to restrict abortion past 15 weeks of gestational age.

Proposed law provides that certain provisions are repealed in favor of the provisions of R.S. 40:1061 (health provisions: abortion), immediately upon and to the extent that the U.S. Supreme Court upholds the authority of states to prohibit elective abortions on demand or by the adoption of an amendment to the U.S. Constitution that would restore the state's authority to prohibit elective abortions.

Proposed law provides that persons violating prohibitions against abortion be prosecuted pursuant to the effective provisions of R.S. 14:87 and be subject to the penalties provided in R.S. 40:1061.29 (health violations regarding abortion)

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

(Amends R.S. 14:87(D) and R.S. 40:1061(D); Adds R.S. 14:87(E), (F), and (G))

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