The original instrument was prepared by Carla S. Roberts. The following digest, which does not constitute a part of the legislative instrument, was prepared by Lebra Bias.

DIGEST 2022 Regular Session

SB 342 Engrossed

Jackson

<u>Proposed law</u> provides that a statute that regulates or prohibits abortion is not to be construed to repeal any other statute that regulates or prohibits abortion. <u>Proposed law</u> provides that if a subsequently enacted statute is to be interpreted to repeal a previously enacted statute, the subsequent statute must contain language that specifically repeals the previous statute.

<u>Proposed law</u> provides that any statute that regulates or prohibits abortion is not to be interpreted to limit local government ordinances that regulate or prohibit abortion, so long as the local ordinance is at least as stringent as the statute passed by the legislature.

<u>Proposed law</u> provides that each individual provision of a Revised Statute that regulates or prohibits abortion that is judged by a court to be unconstitutional is to be severed from any other provision of the Revised Statute that is constitutional, with the constitutional provisions continuing to have the force and effect of law.

<u>Proposed law</u> provides that, for purposes of <u>proposed law</u> the Revised Statutes include all, statutes, codes, and other laws passed by the legislature whether codified or uncodified.

<u>Present law</u> provides that abortion is the performance of any of the following acts, with the specific intent of terminating a pregnancy:

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

<u>Proposed law</u> retains <u>present law</u> and provides that abortion is the performance by any person of any of the following acts within <u>present law</u>, with the specific intent of terminating a clinically diagnosable pregnancy of a woman, with the knowledge that terminating the pregnancy in such a manner will, with reasonable likelihood, cause the death of the unborn child.

Present law provides definitions for "abortion", "physician", "unborn child", and "gestational age".

Proposed law retains present law and adds definition of "late-term abortion".

<u>Present law</u> provides that "abortion" means the specific intent to kill an unborn child consistent with the provisions and exceptions of present law.

<u>Proposed law</u> defines "late-term abortion", rather to mean the specific intent to kill an unborn child whose gestational age is 15 weeks or more, and such intent is consistent with the provisions and exceptions of present law.

<u>Present law</u> provides that it shall be unlawful for a physician to perform any of the acts described in <u>present law</u> after 15 weeks gestational age.

<u>Proposed law</u> changes <u>present law</u> by providing that it shall be unlawful for a physician to perform a late-term abortion.

<u>Proposed law</u> provides the following three exceptions to late-term abortion:

- (1) In accordance with <u>present law</u>, nothing in <u>present law</u> may be construed to prohibit the sale, use, prescription, or administration of a contraceptive measure, drug, or chemical, if it is administered in accordance with manufacturer instructions.
- (2) Nothing in <u>present law</u> may be construed to subject a licensed physician who provides treatment to a pregnant woman which results in the accidental or unintentional injury or death of the unborn child, to any criminal conviction or penalty.
- (3) Nothing in <u>present law</u> may be construed to subject the pregnant woman upon whom an abortion is performed or attempted, to any criminal conviction or penalty.

<u>Present law</u> provides that the provisions of <u>present law</u> shall 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 fifteen weeks gestational age.

Proposed law repeals present law.

<u>Proposed law provides that proposed law shall become effective immediately upon and to the extent that the U.S. Supreme Court upholds the authority of the states to prohibit abortions by the adoption of an amendment to the Constitution of the U.S. that would restore to the state the authority to prohibit elective abortions.</u>

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

(Adds R.S. 1:15.1; amends R.S. 14:87)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

- 1. Amends and reenacts the crime of abortion.
- 2. Adds definition of "late-term abortion" and provides exceptions.
- 3. Adds 3 exceptions to late-term abortions.
- 4. Adds an effective date contingent upon action by the U.S. Supreme Court.
- 5. Makes technical changes.