

## RÉSUMÉ DIGEST

ACT 246 (SB 276)

2024 Regular Session

Pressly

Existing law defines "abortion" or induced abortion" to mean the performance of any act with the intent to terminate a clinically diagnosable pregnancy with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child by certain means.

New law retains provisions in existing law but whether or not the child survives.

New law creates the crime of coerced criminal abortion by means of fraud a person knowingly and intentionally engages in the use of an abortion-inducing drug on a pregnant woman, without her knowledge or consent, with the intent to cause an abortion.

New law requires that whoever commits the crime of coerced criminal abortion by means of fraud be imprisoned at hard labor for not less than five nor more than ten years, fined not less than \$10,000 nor more than \$75,000, or both.

New law requires that if the unborn child is more than three months of gestational age, then whoever commits the crime of coerced criminal abortion by means of fraud be imprisoned at hard labor for not less than ten nor more than twenty years, fined not less than \$50,000 nor more than \$100,000, or both.

New law provides that prosecution of a person for the crime of coerced criminal abortion by means of fraud is not a defense against the prosecution under any other provision of law, including murder or attempted murder, if the person commits the crime of coerced criminal abortion by means of fraud and the use of an abortion-inducing drug results in the death or serious bodily injury of the pregnant woman.

Existing law (R.S. 15:1352) provides for the definition of "racketeering activity" and provides for inclusion of certain criminal offenses.

New law requires that criminal abortion by means of abortion-inducing drugs be included in the definition of "racketeering activity".

Existing law (R.S. 40:964) provides for the designation of controlled dangerous substances into Schedules I, II, III, IV, and V based upon the substances' potential for addiction and abuse.

New law adds mifepristone and misoprostol to Schedule IV.

Existing law (R.S. 40:969) prohibits possession of certain Schedule IV controlled dangerous substances. New law provides that it is not a violation of this existing law for a pregnant woman to possess mifepristone or misoprostol for her own consumption.

New law directs the Board of Pharmacy to notify all pharmacists in the state of provisions involving new law at that lawful prescriptions for mifepristone and misoprostol may be filled in accordance with new law and further directs the La. Dpt. of Health to notify all healthcare practitioners and providers of new law and that mifepristone and misoprostol may be prescribed and administered in accordance new law.

New law is to be cited and referred to as "The Catherine and Josephine Herring Act".

Effective October 1, 2024.

(Amends R.S. 14:87.1(1)(a) and R.S. 40:969(C); adds R.S. 14:87.6.1, R.S. 15:1352(A)(71), and R.S. 40:964(Schedule IV)(F))