ABORTION. Provides relative to the application of abortion statutes. (gov sig)

AN ACT

To enact R.S. 1:15.1, relative to abortion; to provide for the interpretation of multiple
abortion statutes; to provide for the independent construction of each separate
enactment of law related to abortion; to provide for the severability; to restrict certain
ordinances enacted by local governing authorities; to provide for definitions; and to
provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 1:15.1 is hereby enacted to read as follows:

§15.1. Construction of Revised Statutes relative to abortion statutes

A. Unless a Revised Statute contains a provision that explicitly repeals
another statute, a Revised Statute that regulates or prohibits abortion may not
be construed to repeal any other statute that regulates or prohibits abortion,
either wholly or partly.

B. A Revised Statute that regulates or prohibits abortion may not be
construed to restrict a local governing authority from regulating or prohibiting
abortion to the extent that the local ordinance is at least as stringent as the laws
of this state unless the statute explicitly provides that local governing authorities

Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.
are prohibited from regulating or prohibiting abortion in the manner described
by the statute.

C. Every Revised Statute that regulates or prohibits abortion is
severable in each of its applications to every person and circumstance. If any
Revised Statute that regulates or prohibits abortion is found by any court to be
unconstitutional, either on its face or as applied, then all sections, subsections,
paragraphs, subparagraphs, items, or sentences or the application thereof that
does not violate the Constitution of Louisiana or the Constitution of the United
States of America shall be severed from the unconstitutional provisions or
applications and shall remain enforceable, notwithstanding any other law, and
the statute shall be interpreted as if containing language limiting the statute's
application to the persons, group of persons, or circumstances for which the
statute's application does not violate the Constitution of Louisiana or the
Constitution of the United States of America.

D. When used in this Section, "Revised Statutes" means any of the
following:

(1) The Revised Statutes.

(2) A code of law including the Civil Code, the Criminal Code, the Code
of Civil Procedure, the Code of Criminal Procedure, the Code of Evidence, or
the Children's Code.

(3) Any legislative instrument passed favorably by the legislature which
has the force or effect of law, whether codified or uncodified.

Section 2. This Act shall become effective upon signature by the governor or, if not
signed by the governor, upon expiration of the time for bills to become law without signature
by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
vetoed by the governor and subsequently approved by the legislature, this Act shall become
effective on the day following such approval.
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

SB 342 Original 2022 Regular Session Jackson

Proposed law provides that a statute that regulates or prohibits abortion is not to be construed to repeal any other statute that regulates or prohibits abortion. Proposed law 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.

Proposed law 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.

Proposed law 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.

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

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

(Adds R.S. 1:15.1)