2022 Regular Session

SENATE BILL NO. 342

BY SENATOR JACKSON

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

1	AN ACT
2	To enact R.S. 1:15.1, relative to abortion; to provide for the interpretation of multiple
3	abortion statutes; to provide for the independent construction of each separate
4	enactment of law related to abortion; to provide for the severability; to restrict certain
5	ordinances enacted by local governing authorities; to provide for definitions; and to
6	provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 1:15.1 is hereby enacted to read as follows:
9	**§15.1. Construction of Revised Statutes relative to abortion statutes**
10	**A. Unless a Revised Statute contains a provision that explicitly repeals**
11	**another statute, a Revised Statute that regulates or prohibits abortion may not**
12	**be construed to repeal any other statute that regulates or prohibits abortion,**
13	**either wholly or partly.**
14	**B. A Revised Statute that regulates or prohibits abortion may not be**
15	**construed to restrict a local governing authority from regulating or prohibiting**
16	**abortion to the extent that the local ordinance is at least as stringent as the laws**
17	**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.

1   **are prohibited from regulating or prohibiting abortion in the manner described**

2   **by the statute.**

3   **C. Every Revised Statute that regulates or prohibits abortion is**

4   **severable in each of its applications to every person and circumstance. If any**

5   **Revised Statute that regulates or prohibits abortion is found by any court to be**

6   **unconstitutional, either on its face or as applied, then all sections, subsections,**

7   **paragraphs, subparagraphs, items, or sentences or the application thereof that**

8   **does not violate the Constitution of Louisiana or the Constitution of the United**

9   **States of America shall be severed from the unconstitutional provisions or**

10   **applications and shall remain enforceable, notwithstanding any other law, and**

11   **the statute shall be interpreted as if containing language limiting the statute's**

12   **application to the persons, group of persons, or circumstances for which the**

13   **statute's application does not violate the Constitution of Louisiana or the**

14   **Constitution of the United States of America.**

15   **D. When used in this Section, "Revised Statutes" means any of the**

16   **following:**

17   **(1) The Revised Statutes.**

18   **(2) A code of law including the Civil Code, the Criminal Code, the Code**

19   **of Civil Procedure, the Code of Criminal Procedure, the Code of Evidence, or**

20   **the Children's Code.**

21   **(3) Any legislative instrument passed favorably by the legislature which**

22   **has the force or effect of law, whether codified or uncodified.**

23   Section 2. This Act shall become effective upon signature by the governor or, if not

24   signed by the governor, upon expiration of the time for bills to become law without signature

25   by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

26   vetoed by the governor and subsequently approved by the legislature, this Act shall become

27   effective on the day following such approval.

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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. Propose 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)

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