

2018 Regular Session

HOUSE BILL NO. 338

BY REPRESENTATIVE HOFFMANN

FUNDS/FUNDING: Provides relative to the prohibition on public funding for entities that perform abortions

1 AN ACT

2 To amend and reenact R.S. 36:21(B) and R.S. 40:1061.6(A)(2), relative to a prohibition on
3 public funding for entities that perform abortions; to provide for applicability of and
4 exceptions to the prohibition; to provide for the redesignation of certain statutes; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 36:21(B) is hereby amended and reenacted to read as follows:

8 §21. Public funding for abortion providers; prohibition

9 * * *

10 B.(1) No institution, board, commission, department, agency, official, or
11 employee of the state, or of any local political subdivision thereof, shall ~~contract~~
12 ~~with~~, award any grant to, or otherwise bestow ~~any~~ funding upon, an entity or
13 organization that ~~performs abortions, or that contracts with an entity or organization~~
14 ~~that performs abortions, in this state. The prohibition provided in this Section shall~~
15 ~~apply to state funds, federal funds, and any other funds that may be used for purposes~~
16 ~~of contracting for services, providing reimbursements, or grant issuance. does any~~
17 of the following:

18 (a) Performs abortions in this state.

19 (b) Provides facilities to another entity or organization for the purpose of
20 performing abortions in this state.

1 department, agency, official, or employee of the state, or of any local political
2 subdivision thereof, shall ~~contract with,~~ award any grant to, or otherwise bestow any
3 funding upon, an entity or organization that ~~performs abortions, or that contracts with~~
4 ~~an entity or organization that performs abortions, in this state, as more specifically~~
5 ~~provided in Chapter 1-A of Title 36 of the Louisiana Revised Statutes of 1950.~~ does
6 any of the following:

7 (i) Performs abortions in this state.
8 (ii) Provides facilities to another entity or organization for the purpose of
9 performing abortions in this state.

10 (iii) Hires or retains another entity or organization for the purpose of
11 performing abortions in this state.

12 (b) The prohibitions provided in this Subsection shall apply to state funds,
13 federal funds, and any other public funds for procuring goods or services, or for
14 providing medical assistance program services, reimbursements, or grants, but shall
15 not be construed to prohibit provision of public protections, such as fire, police, or
16 emergency medical services, public utilities, or other such services to any entity or
17 organization in the same manner as provided to the general public.

18 * * *

19 Section 3. The Louisiana State Law Institute is hereby directed to redesignate
20 Chapter 1-A of Title 36 of the Louisiana Revised Statutes of 1950, comprised of R.S. 36:21,
21 as amended by Section 1 of this Act, as Chapter 1-A of Title 49 of the Louisiana Revised
22 Statutes of 1950, to be comprised of R.S. 49:200.51, and to retain the heading of the Chapter.

23 Section 4. 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.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 338 Original

2018 Regular Session

Hoffmann

Abstract: Provides for applicability of and exceptions to the prohibition on public funding for entities that perform abortions.

Present law provides that no institution, board, commission, department, agency, official, or employee of the state, or of any local political subdivision thereof, shall contract with, award any grant to, or otherwise bestow any funding upon, an entity or organization that performs abortions, or that contracts with an entity or organization that performs abortions, in this state. Stipulates that the prohibition shall apply to state funds, federal funds, and any other funds that may be used for purposes of contracting for services, providing reimbursements, or grant issuance.

Proposed law revises present law by removing references to contracting, thereby causing the prohibition to apply only to funding mechanisms other than contracts.

Proposed law revises present law to provide that entities prohibited from receiving certain public funding are those that do any of the following:

- (a) Perform abortions in this state.
- (b) Provide facilities to another entity or organization for the purpose of performing abortions in this state.
- (c) Hire or retain another entity or organization for the purpose of performing abortions in this state.

Proposed law stipulates that the prohibition on public funding established by present law and proposed law shall apply to state funds, federal funds, and any other public funds for procuring goods or services, or for providing medical assistance program services, reimbursements, or grants.

Proposed law provides that the prohibition on public funding established by present law and proposed law shall not be construed to prohibit provision of public protections such as fire, police, or emergency medical services, public utilities, or other such services to any entity or organization in the same manner as provided to the general public.

Proposed law provides for redesignation of present law comprised of R.S. 36:21 to R.S. 49:200.51.

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

(Amends R.S. 36:21(B) and R.S. 40:1061.6(A)(2))