

2024 Regular Session

HOUSE BILL NO. 395

BY REPRESENTATIVE BOYD

HEALTH CARE: Provides for the right to contraception

1 AN ACT

2 To enact Part I-A of Chapter 1 of Code Title I of Code Book I of Title 9 of the Louisiana
3 Revised Statutes of 1950, to be comprised of R.S. 9:55 through 57, relative to the
4 right to contraception; to provide for the right to contraceptives, emergency
5 contraceptives, and contraceptive related information; to provide for enforcement;
6 to provide for definitions; to provide for penalties; to provide for a defense; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Part I-A of Chapter 1 of Code Title I of Code Book I of Title 9 of the
10 Louisiana Revised Statutes of 1950, comprised of R.S. 9:55 through 57, is hereby enacted
11 to read as follows:

12 PART 1-A. CONTRACEPTION

13 §55. Right to contraception

14 A. For purposes of this Part:

15 (1) "Contraceptive" means any device, measure, drug, chemical, or product,
16 including single-ingredient levonorgestrel, that has been approved by the United
17 States Food and Drug Administration for the purpose of preventing pregnancy and
18 is intended to be administered prior to the time when a clinically diagnosable
19 pregnancy can be determined, provided that the contraceptive is sold, prescribed, or
20 administered in accordance with manufacturer's instructions.

1 (2) "Emergency contraceptive" means a drug, chemical, or product,
2 including but not limited to single-ingredient levonorgestrel or ulipristal, that has
3 been approved by the United States Food and Drug Administration designed or
4 intended to be taken after sexual intercourse but prior to the time when a clinically
5 diagnosable pregnancy can be determined, provided that the emergency
6 contraceptive is sold, prescribed, or administered in accordance with manufacturer's
7 instructions or is prescribed in accordance with the standard of care that is generally
8 accepted by the American College of Obstetricians and Gynecologists.

9 B. A person shall have the right to contraceptives, emergency contraceptives,
10 and contraceptive related information. A healthcare provider shall have the
11 corresponding right to provide contraceptives, emergency contraceptives, and
12 contraceptive related information.

13 §56. Applicability

14 No law or regulation of this state shall impede access to contraceptives,
15 emergency contraceptives, or contraceptive related information or any other
16 provision that:

17 (1) Prohibits or restricts the sale or use of contraceptives or emergency
18 contraceptives.

19 (2) Prohibits or restricts any person from aiding another person in obtaining
20 any contraceptives or emergency contraceptives.

21 (3) Exempts any contraceptives in a way that would make it difficult to sell,
22 provide, obtain, or use those contraceptives or emergency contraceptives.

23 §57. Enforcement; penalties.

24 A. The attorney general may file a petition for injunctive relief against any
25 person who violates the provisions of this Part.

26 B. Any person, entity, or healthcare provider may file a petition for
27 injunctive relief.

1 C. A person defending a claim against him for denying access to
2 contraceptives, emergency contraceptives, or contraceptive related information under
3 R.S. 9:56 shall establish by clear and convincing evidence:

4 (1) The limitation or requirement significantly advances the safety of
5 contraceptives, emergency contraceptives, and contraceptive related information.

6 (2) The safety of contraceptives, emergency contraceptives, and
7 contraceptive related information or the health of patients cannot be advanced by a
8 less restrictive alternative measure or action.

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 395 Original

2024 Regular Session

Boyd

Abstract: Provides for the right to contraceptives, emergency contraceptives, and contraceptive related information.

Proposed law (R.S. 9:55) defines "contraceptive"; and "emergency contraceptive".

Proposed law provides the right to contraceptives, emergency contraceptives and contraceptive related information.

Proposed law provides health care providers with the right to provide contraceptives, emergency contraceptives, and contraceptive related information.

Proposed law (R.S. 9:56) provides that no law shall prohibit or restrict the sale or use of contraceptives or emergency contraceptives, restrict any person from aiding another in obtaining contraceptives or emergency contraceptives, or exempt any contraceptives in a way that would make it difficult to sell, provide, obtain, or use contraceptives or emergency contraceptives.

Proposed law (R.S. 9:57) provides that the attorney general or any person, entity, or healthcare provider may file a petition for injunctive relief.

Proposed law provides that a person defending a claim against him under this chapter shall establish by clear and convincing evidence:

- (1) The limitation or requirement significantly advances the safety of contraceptives, emergency contraceptives and contraceptive related information.
- (2) The safety of contraceptives, emergency contraceptives, and contraceptive related information or the health of patients cannot be advanced by a less restrictive alternative measure or action.

(Adds R.S. 9:55 through 57)