

ACT No. 304

2016 Regular Session

HOUSE BILL NO. 606

BY REPRESENTATIVES HOFFMANN, ABRAHAM, AMEDEE, ARMES, BAGLEY, BARRAS, BERTHELOT, BISHOP, CARMODY, STEVE CARTER, CHANEY, COUSSAN, COX, DEVILLIER, DWIGHT, EDMONDS, EMERSON, FALCONER, GAROFALO, GISCLAIR, LANCE HARRIS, HENSGENS, HILFERTY, HILL, HODGES, HOLLIS, HORTON, HOWARD, HUVAL, IVEY, JACKSON, MIKE JOHNSON, NANCY LANDRY, LEBAS, LEOPOLD, MACK, MCFARLAND, MIGUEZ, JAY MORRIS, JIM MORRIS, PEARSON, POPE, PUGH, PYLANT, REYNOLDS, RICHARD, SCHEXNAYDER, SCHRODER, SIMON, THIBAUT, WILLMOTT, AND ZERINGUE AND SENATOR WALSWORTH

1 AN ACT

2 To amend and reenact R.S. 40:1061.6(A) and to enact Chapter 1-A of Title 36 of the
3 Louisiana Revised Statutes of 1950, to be comprised of R.S. 36:21, relative to
4 authorized uses of public funds; to prohibit certain uses of public funds by
5 institutions, boards, commissions, departments, agencies, officials, and employees
6 of the state or its political subdivisions; to prohibit entities that perform abortions
7 from receiving public funding for any purpose; to provide for construction of the
8 prohibition; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Chapter 1-A of Title 36 of the Louisiana Revised Statutes of 1950,
11 comprised of R.S. 36:21, is hereby enacted to read as follows:

12 CHAPTER 1-A. ELIGIBILITY OF ABORTION PROVIDERS

13 FOR PUBLIC FUNDING

14 §21. Public funding for abortion providers; prohibition

15 A. For purposes of this Chapter, the term "abortion" shall have the meaning
16 ascribed in R.S. 40:1061.9.

17 B.(1) No institution, board, commission, department, agency, official, or
18 employee of the state, or of any local political subdivision thereof, shall contract
19 with, award any grant to, or otherwise bestow any funding upon, an entity or
20 organization that performs abortions, or that contracts with an entity or organization

1 that performs abortions, in this state. The prohibition provided in this Section shall
 2 apply to state funds, federal funds, and any other funds that may be used for purposes
 3 of contracting for services, providing reimbursements, or grant issuance.

4 (2) The prohibition provided in this Section shall not be construed to restrict
 5 funding to an entity that may perform the following types of abortions, exclusively:

6 (a) An abortion which is medically necessary to prevent the death of the
 7 mother.

8 (b) An abortion in a case when the mother is a victim of rape or incest.

9 (c) An abortion performed when the pregnancy is diagnosed as medically
 10 futile. For purposes of this Subparagraph, "medically futile" means that, in
 11 reasonable medical judgment, the unborn child has a profound and irremediable
 12 congenital or chromosomal anomaly that is incompatible with sustaining life after
 13 birth. This diagnosis shall be a medical judgment certified in the pregnant woman's
 14 medical record by a reasonably prudent physician who is knowledgeable about the
 15 case and the treatment possibilities with respect to the medical conditions involved.

16 Section 2. R.S. 40:1061.6(A) is hereby amended and reenacted to read as follows:

17 §1061.6. Use of public funds

18 A.(1) Notwithstanding any other provision of law to the contrary, no public
 19 funds, made available to any institution, board, commission, department, agency,
 20 official, or employee of the state of Louisiana, or of any local political subdivision
 21 thereof, whether such funds are made available by the government of the United
 22 States, the state of Louisiana, or of a local governmental subdivision, or from any
 23 other public source shall be used in any way for, to assist in, or to provide facilities
 24 for an abortion, except when the abortion is medically necessary to prevent the death
 25 of the mother.

26 (2) No institution, board, commission, department, agency, official, or
 27 employee of the state, or of any local political subdivision thereof, shall contract
 28 with, award any grant to, or otherwise bestow any funding upon, an entity or
 29 organization that performs abortions, or that contracts with an entity or organization

1 that performs abortions, in this state, as more specifically provided in Chapter 1-A
2 of Title 36 of the Louisiana Revised Statutes of 1950.

3 Section 3. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____