

RÉSUMÉ DIGEST

ACT 593 (HB 815)

2016 Regular Session

Stokes

Prior law relative to regulation of abortion provided, in part, that each physician who performs or induces an abortion which does not result in a live birth shall insure that the remains of the child are disposed of in accordance with applicable rules and regulations of the Department of Health and Hospitals. New law provides that each such physician who performs or induces an abortion shall insure that the remains of the child are disposed of by interment or cremation in accordance with existing law relative to disposition of human remains (R.S. 8:651 et seq.).

New law deletes prior law requiring that the attending physician inform each woman upon whom he performs or induces an abortion, within 24 hours after the abortion is performed or induced, of the provisions of existing law relative to disposal of fetal remains.

New law provides legislative findings regarding post-abortion harvesting of fetal organs, tissues, and cells.

New law provides that it shall be unlawful for any person or entity to buy, sell, donate, accept, distribute, or otherwise transfer or use for any purpose the intact body of a human embryo or fetus whose death was knowingly caused by an induced abortion, or the human organs, tissues or cells obtained from a human embryo or fetus whose death was knowingly caused by an induced abortion. Provides that whoever violates the provisions of new law shall be subject to civil penalties relative to abortion, generally, as provided in existing law (R.S. 40:1061.29).

New law stipulates that nothing therein shall be construed to prohibit any of the following:

- (1) Final disposition of the bodily remains of the aborted human being in accordance with existing law.
- (2) Any conduct permitted under existing law that is undertaken with any of the following purposes:
 - (a) The purpose of providing knowledge solely to the mother, such as for pathological or diagnostic purposes.
 - (b) The purpose of providing knowledge solely to law enforcement officers, such as in the case of an autopsy following a feticide.
- (3) Any transaction related to the donation of bodily remains from a human embryo or fetus whose death was caused by a natural miscarriage or stillbirth, in accordance with the guidelines and prohibitions provided in applicable state and federal laws.

New law stipulates that nothing therein shall be construed to alter generally accepted medical standards, affect existing federal or state law regarding the practice of abortion, or to create or recognize a right to abortion.

New law provides that any provision thereof which is held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding is one of utter invalidity or unenforceability, in which event such provision shall be deemed severable and shall not affect the remainder of new law or the application of such provision to other persons not similarly situated or to other dissimilar circumstances.

Effective August 1, 2016.

(Amends R.S. 40:1061.25)