

2022 Regular Session

HOUSE BILL NO. 800

BY REPRESENTATIVE BAGLEY

ABORTION: Enacts the Louisiana Heartbeat Act

1 AN ACT

2 To enact R.S. 40:1063.1 through 1063.17 and to repeal R.S. 40:1061.1.3, relative to
3 abortion; to enact the Louisiana Heartbeat Act; to prohibit abortion after detection
4 of a fetal heartbeat; to provide for legislative findings and definitions; to provide for
5 civil liability and venue; to authorize the right of civil action; to provide for
6 affirmative defenses and defense limitations; to provide for awards and judgments;
7 to provide for severability of provisions; to require certain reports and
8 recordkeeping; to provide for enforcement; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:1061 through 1063.17 are hereby enacted to read as follows:

11 §1063.1. Short title

12 This Part shall be known and may be cited as the "Louisiana Heartbeat Act".

13 §1063.2. Legislative findings

14 A. The legislature hereby finds and declares that according to contemporary
15 medical research, a fetal heartbeat has become a key medical predictor that an
16 unborn child will reach live birth. Cardiac activity begins at a biologically
17 identifiable moment in time, normally when the fetal heart is formed in the
18 gestational sac.

19 B. The state has a compelling interest from the outset of a woman's
20 pregnancy in protecting the health of the woman and the life of the unborn child. To

1 make an informed choice about whether to continue her pregnancy, the pregnant
2 woman has a compelling interest in knowing the likelihood of her unborn child
3 surviving a full-term birth based on the presence of cardiac activity.

4 §1063.3. Definitions

5 As used in this Part, the following terms have the meaning ascribed to them
6 in this Section:

7 (1) "Fetal heartbeat" means cardiac activity or the steady and repetitive
8 rhythmic contraction of the fetal heart within the gestational sac.

9 (2) "Gestational age" has the meaning ascribed in R.S. 40:1061.9.

10 (3) "Gestational sac" means the structure comprising the extraembryonic
11 membranes that envelop the unborn child and that is typically visible by ultrasound
12 after the fourth week of pregnancy.

13 (4) "Physician" has the meaning ascribed in R.S. 40:1061.9.

14 (5) "Pregnancy" means the human female reproductive condition that
15 encompasses all of the following:

16 (a) Begins with fertilization.

17 (b) Occurs when the woman is carrying the developing human offspring.

18 (c) Is calculated from the first day of the woman's last menstrual period.

19 (6) "Standard medical practice" means the degree of skill, care, and diligence
20 that an obstetrician of ordinary judgment, learning, and skill would employ in like
21 circumstances, including employing the appropriate means of detecting the fetal
22 heartbeat based on the estimated gestational age of the unborn child and the
23 condition of the woman and her pregnancy.

24 (7) "Unborn child" has the meaning ascribed in R.S. 40:1061.9.

25 §1063.4. Determination of the presence of a fetal heartbeat required; records

26 A. A physician shall use standard medical practice as defined in this Part to
27 determine the presence of a fetal heartbeat.

28 B. Except as provided in R.S. 40:1063.6, a physician shall not knowingly
29 perform or induce an abortion on a pregnant woman unless the physician has

1 determined, in accordance with this Section, whether the woman's unborn child has
2 a detectable fetal heartbeat. In making the determination, the physician shall use a
3 test that meets both of the following criteria:

4 (1) Is consistent with the physician's good faith and reasonable
5 understanding of standard medical practice.

6 (2) Is appropriate for the estimated gestational age of the unborn child and
7 the condition of the pregnant woman and her pregnancy.

8 C. A physician making a determination as required in Subsection B of this
9 Section shall record in the pregnant woman's medical record all of the following:

10 (1) The estimated gestational age of the unborn child.

11 (2) The method used to estimate the gestational age.

12 (3) The test used for detecting a fetal heartbeat including the date, time, and
13 results of the test.

14 §1063.5. Prohibited abortion of unborn child with detectable fetal heartbeat; effect

15 A. Except as provided in R.S. 40:1063.6, a physician shall not knowingly
16 perform or induce an abortion on a pregnant woman if the physician detects a fetal
17 heartbeat for the unborn child as required in R.S. 40:1063.4 or fails to perform a test
18 to detect a fetal heartbeat.

19 B. A physician does not violate this Section if he performed a test for a fetal
20 heartbeat and did not detect a fetal heartbeat.

21 C. This Section does not affect either of the following:

22 (1) The provisions of this Chapter that restrict or regulate an abortion by a
23 particular method or during a particular stage of pregnancy.

24 (2) Any other provision of state law that regulates or prohibits abortion.

25 §1063.6. Exception for medical emergency; records

26 A. The provisions of R.S. 40:1063.4 and 1063.5 shall not apply if a physician
27 believes a medical emergency exists that prevents compliance with this Part.

1 B. A physician who performs or induces an abortion pursuant to this Section
2 shall make written notations in the pregnant woman's medical record of all of the
3 following:

4 (1) The physician's belief that a medical emergency necessitated the
5 abortion.

6 (2) The medical condition of the pregnant woman that prevented compliance
7 with this Part.

8 C. A physician performing or inducing an abortion pursuant to this Section
9 shall maintain in the physician's practice records a copy of the notations made in
10 accordance with Subsection B of this Section.

11 §1063.7. Acknowledgments; right of action not created

12 A. This Part does not create or recognize a right to abortion before a fetal
13 heartbeat is detected.

14 B. This Part shall not be construed to do any of the following:

15 (1) Authorize the initiation of a cause of action against or the prosecution of
16 a woman on whom an abortion is performed or induced or attempted to be performed
17 or induced in violation of this Part.

18 (2) Wholly or partly repeal, either expressly or by implication, any other
19 statute that regulates or prohibits abortion.

20 (3) Restrict a political subdivision from regulating or prohibiting abortion
21 in a manner that is at least as stringent as the laws of this state.

22 §1063.8. Limitations on public enforcement

23 A. The requirements of this Part shall be enforced exclusively through the
24 private civil actions described in R.S. 40:1063.9. No enforcement of this Part and
25 no enforcement in response to violations of this Part shall be taken or threatened by
26 this state, a political subdivision, a district or parish attorney, or an executive or
27 administrative officer or employee of this state or a political subdivision against any
28 person, except as provided in R.S. 40:1063.9.

29 B. This Section does not do any of the following:

1 (1) Legalize the conduct prohibited by this Part.

2 (2) Limit in any way or affect the availability of a remedy established in R.S.

3 40:1063.9.

4 (3) Limit the enforceability of any other laws that regulate or prohibit
5 abortion.

6 §1063.9. Civil liability for violation; aiding or abetting violation

7 A. Any person, other than an officer or employee of a state or local
8 governmental entity in this state, may bring a civil action against any person who
9 does any of the following:

10 (1) Performs or induces an abortion in violation of this Part.

11 (2) Knowingly engages in conduct that aids or abets the performance or
12 inducement of an abortion, including paying for or reimbursing the costs of an
13 abortion through insurance or otherwise, regardless of whether the person knew or
14 should have known that the abortion would be performed or induced in violation of
15 this Part.

16 (3) Intends to engage in the conduct described in this Subsection.

17 B. If a claimant prevails in an action brought pursuant to the provisions of
18 this Section, the court shall award all of the following:

19 (1) Injunctive relief sufficient to prevent the defendant from violating or
20 engaging in acts that aid or abet violations of this Part.

21 (2) Statutory damages in an amount of not less than ten thousand dollars for
22 each abortion that the defendant performed or induced, and for each abortion the
23 defendant aided or abetted in violation of this Part.

24 (3) Costs and attorney fees.

25 C. Notwithstanding Subsection B of this Section, a court shall not award
26 relief in response to a violation of Subsection A of this Section if the defendant
27 demonstrates that the defendant previously paid the full amount of statutory damages
28 prescribed in Subsection B of this Section in a previous action for that particular

1 abortion performed or induced, or for the particular conduct that aided or abetted an
2 abortion performed or induced in violation of this Part.

3 D. A person may bring an action pursuant to this Section not later than the
4 fourth anniversary of the date the cause of action accrues.

5 E. None of the following shall be a defense to an action brought pursuant to
6 this Section:

7 (1) Ignorance or mistake of law.

8 (2) A defendant's belief that the requirements of this Part are unconstitutional
9 or were unconstitutional.

10 (3) A defendant's reliance on any court decision that has been overruled on
11 appeal or by a subsequent court, even if that court decision had not been overruled
12 when the defendant engaged in conduct that violates this Part.

13 (4) A defendant's reliance on any state or federal court decision that is not
14 binding on the court in which the action has been brought.

15 (5) Non-mutual issue preclusion or non-mutual claim preclusion.

16 (6) The consent of the unborn child's mother to the abortion.

17 (7) Any claim that the enforcement of this Part or the imposition of civil
18 liability against the defendant will violate the constitutional rights of third parties,
19 except as provided for in R.S. 40:1063.10.

20 F. It is an affirmative defense if either of the following occurs:

21 (1) A physician defendant sued pursuant to Paragraph (A)(2) of this Section
22 reasonably believed, after conducting a reasonable investigation, that the physician
23 performing or inducing the abortion had complied or would comply with this Part.

24 (2) A physician defendant sued pursuant to Paragraph (A)(3) of this Section
25 reasonably believed, after conducting a reasonable investigation, that the physician
26 performing or inducing the abortion will comply with this Part.

27 (3) The physician defendant has the burden of proving an affirmative defense
28 by a preponderance of the evidence.

1 G. This Section shall not be construed to impose liability on any speech or
2 conduct protected by the First Amendment to the Constitution of the United States,
3 as made applicable to the states through the United States Supreme Court's
4 interpretation of the Fourteenth Amendment to the Constitution of the United States,
5 or by Article I, Section 7 of the Constitution of Louisiana.

6 H. A state official or a district or parish attorney shall not intervene in an
7 action brought pursuant to this Section. This Subsection does not prohibit a person
8 from filing an amicus curiae brief in the action.

9 I. A court shall not award costs or attorney fees pursuant to the Louisiana
10 Code of Civil Procedure or any rule adopted by the Louisiana Supreme Court to a
11 defendant in an action brought pursuant to this Section.

12 J. A civil action pursuant to this Section shall not be brought by a person
13 who impregnated the abortion patient through an act of rape, sexual assault, incest,
14 or any other related prohibited act defined in the Louisiana Criminal Code.

15 §1063.10. Civil liability; undue burden defense limitations

16 A. A defendant against whom an action is brought pursuant to R.S.
17 40:1063.9 does not have standing to assert the rights of women seeking an abortion
18 as a defense to liability pursuant to that Section unless either of the following occurs:

19 (1) The United States Supreme Court holds that the courts of this state shall
20 confer standing on that defendant to assert the third-party rights of women seeking
21 an abortion in state court as a matter of federal constitutional law.

22 (2) The defendant has standing to assert the rights of women seeking an
23 abortion under the tests for third-party standing established by the United States
24 Supreme Court.

25 B. A defendant in an action brought pursuant to R.S. 40:1063.9 may assert
26 an affirmative defense to liability pursuant to this Section if any of the following
27 occur:

1 (1) The defendant has standing to assert the third-party rights of a woman or
2 group of women seeking an abortion in accordance with Subsection A of this
3 Section.

4 (2) The defendant demonstrates that the relief sought by the claimant will
5 impose an undue burden on that woman or that group of women seeking an abortion.

6 C. A court shall not find an undue burden pursuant to Subsection B of this
7 Section unless the defendant introduces evidence proving either of the following:

8 (1) An award of relief will prevent a woman or a group of women from
9 obtaining an abortion.

10 (2) An award of relief will place a substantial obstacle in the path of a
11 woman or a group of women who are seeking an abortion.

12 D. A defendant shall not establish an undue burden by doing either of the
13 following:

14 (1) Merely demonstrating that an award of relief will prevent women from
15 obtaining support or assistance, financial or otherwise, from others in their effort to
16 obtain an abortion.

17 (2) Arguing or attempting to demonstrate that an award of relief against
18 other defendants or other potential defendants will impose an undue burden on
19 women seeking an abortion.

20 E. The affirmative defenses described in Subsection B of this Section are not
21 available if the United States Supreme Court overrules *Roe v. Wade*, 410 U.S. 113,
22 93 S.Ct. 705, 35 L.Ed. 2d 147 (1973) or *Planned Parenthood v. Casey*, 505 U.S. 833
23 (1992), regardless of whether the conduct on which the cause of action based on the
24 provisions of R.S. 40:1063.9 occurred before the United States Supreme Court
25 overruled either of those decisions.

26 F. Nothing in this Section shall in any way limit or preclude a defendant
27 from asserting the defendant's personal constitutional rights as a defense to liability
28 pursuant to R.S. 40:1063.9 and a court shall not award relief if the conduct for which

1 the defendant has been sued was an exercise of state or federal constitutional rights
2 that personally belong to the defendant.

3 §1063.11. Civil liability; venue

4 A. A civil action brought pursuant to R.S. 40:1063.9 may be brought in one
5 of the following jurisdictions:

6 (1) The parish in which all or a substantial part of the events or omissions
7 giving rise to the claim occurred.

8 (2) The parish of residence for any one of the natural person defendants at
9 the time the cause of action accrues.

10 (3) The parish of the principal office in this state of any one of the
11 defendants that is not a natural person.

12 (4) The parish of residence for the claimant if the claimant is a natural person
13 residing in this state.

14 B. If a civil action is brought pursuant to R.S. 40:1063.9 in any one of the
15 venues described by Subsection A of this Section, the action shall not be transferred
16 to a different venue without the written consent of all parties.

17 §1063.12. Sovereign, governmental, and official immunity preserved

18 A. This state has sovereign immunity, a political subdivision has
19 governmental immunity, and each officer and employee of this state or a political
20 subdivision has official immunity in any action, claim, or counterclaim or any type
21 of legal or equitable action that challenges the validity of any provision or
22 application of this Part on constitutional grounds or otherwise.

23 B. A provision of state law shall not be construed to waive or abrogate an
24 immunity described in Subsection A of this Section unless it expressly waives
25 immunity pursuant to this Section.

26 §1063.13. Construction of abortion statutes; severability; legislative declarations

27 A. A statute that regulates or prohibits abortion shall not be construed to
28 repeal any other statute that regulates or prohibits abortion, either wholly or partly,
29 unless the repealing statute explicitly states that it is repealing the other statute.

1 B. A statute shall not be construed to restrict a political subdivision from
2 regulating or prohibiting abortion in a manner that is at least as stringent as the laws
3 of this state unless the statute explicitly states that political subdivisions are
4 prohibited from regulating or prohibiting abortion in the manner described by the
5 statute.

6 C. Every statute that regulates or prohibits abortion is severable in each of
7 its applications to every person and circumstance. If any statute that regulates or
8 prohibits abortion is found by any court to be unconstitutional, either on its face or
9 as applied, then all applications of that statute that do not violate the Constitution of
10 the United States and the Constitution of Louisiana shall be severed from the
11 unconstitutional applications and shall remain enforceable, notwithstanding any
12 other law, and the statute shall be interpreted as if containing language limiting the
13 statute's application to the persons, group of persons, or circumstances for which the
14 statute's application will not violate the Constitution of the United States and the
15 Constitution of Louisiana.

16 D. Mindful of *Leavitt v. Jane L.*, 518 U.S. 137 (1996), in the context of
17 determining the severability of a state statute regulating abortion, the United States
18 Supreme Court held that an explicit statement of legislative intent is controlling. It
19 is the intent of the legislature that every provision, Section, Subsection, sentence,
20 clause, phrase, or word in this Part, and every application of the provisions in this
21 Part are severable from each other.

22 E.(1) If any application of any provision in this Part to any person, group of
23 persons, or circumstances is found by a court to be invalid or unconstitutional, the
24 remaining applications of that provision to all other persons and circumstances shall
25 be severed and shall not be affected. All constitutionally valid applications of this
26 Part shall be severed from any applications that a court finds to be invalid, leaving
27 the valid applications in force, because it is the legislature's intent and priority that
28 the valid applications be allowed to stand alone. Even if a reviewing court finds a
29 provision of this Part to impose an undue burden in a large or substantial fraction of

1 relevant cases, the applications that do not present an undue burden shall be severed
2 from the remaining applications and shall remain in force, and shall be treated as if
3 the legislature had enacted a statute limited to the persons, group of persons, or
4 circumstances for which the statute's application does not present an undue burden.

5 (2) If any court declares or finds a provision of this Part facially
6 unconstitutional, when discrete applications of that provision can be enforced against
7 a person, group of persons, or circumstances without violating the Constitution of the
8 United States and the Constitution of Louisiana, those applications shall be severed
9 from all remaining applications of the provision, and the provision shall be
10 interpreted as if the legislature had enacted a provision limited to the persons, group
11 of persons, or circumstances for which the provision's application will not violate the
12 Constitution of the United States and the Constitution of Louisiana.

13 F. The legislature further declares that it would have enacted this Part and
14 each provision, Section, Subsection, sentence, clause, phrase, or word, and all
15 constitutional applications of this Part, irrespective of the fact that any provision,
16 Section, Subsection, sentence, clause, phrase, or word, or applications of this Part
17 were to be declared unconstitutional or to represent an undue burden.

18 G. If any provision of this Part is found by any court to be unconstitutionally
19 vague, then the applications of that provision that do not present constitutional
20 vagueness problems shall be severed and remain in force.

21 H.(1) A court shall not decline to enforce the severability requirements of
22 this Section on the ground that severance would rewrite the statute or involve the
23 court in legislative or lawmaking activity. A court that declines to enforce or enjoins
24 a state official from enforcing a statutory provision does not rewrite a statute, as the
25 statute continues to contain the same words as before the court's decision.

26 (2)(a) A judicial injunction or declaration of unconstitutionality is both of
27 the following:

28 (i) Nothing more than an edict prohibiting enforcement that may
29 subsequently be vacated by a later court if that court has a different understanding

1 of the requirements of the Constitution of Louisiana or the Constitution of the United
2 States.

3 (ii) Not a formal amendment of the language in a statute.

4 (b) A judicial injunction or declaration of unconstitutionality no more
5 rewrites a statute than a decision by the executive not to enforce a duly enacted
6 statute in a limited and defined set of circumstances.

7 §1063.14. Award of attorney fees in actions challenging abortion laws

8 A. Any person, including an entity, attorney, or law firm who seeks
9 declaratory or injunctive relief to prevent this state, a political subdivision, any
10 governmental entity or public official in this state, or any person in this state from
11 enforcing any statute, ordinance, rule, regulation, or any other type of law that
12 regulates or restricts abortion or that limits taxpayer funding for individuals or
13 entities that perform or promote abortions, in any state or federal court, or that
14 represents any litigant seeking such relief in any state or federal court, is jointly and
15 severally liable to pay the costs and attorney fees of the prevailing party.

16 B. For purposes of this Section, a party is considered a prevailing party if a
17 state or federal court does either of the following:

18 (1) Dismisses any claim or cause of action brought against the party that
19 seeks the declaratory or injunctive relief described in Subsection A of this Section,
20 regardless of the reason for the dismissal.

21 (2) Enters judgment in the party's favor on any such claim or cause of action.

22 C.(1) Regardless of whether a prevailing party sought to recover costs or
23 attorney fees in the underlying action, a prevailing party may bring a civil action to
24 recover costs and attorney fees against a person including an entity, attorney, or law
25 firm that sought declaratory or injunctive relief described by Subsection A of this
26 Section not later than the third anniversary of the date on which either of the
27 following, as may be applicable, occurs:

28 (a) The dismissal or judgment described in Subsection B of this Section
29 becomes final on the conclusion of appellate review.

1 (b) The time for seeking appellate review expires.

2 (2) None of the following shall be a defense to an action brought pursuant
3 to this Subsection:

4 (a) A prevailing party failed to seek recovery of costs or attorney fees in the
5 underlying action.

6 (b) The court in the underlying action declined to recognize or enforce the
7 requirements of this Section.

8 (c) The court in the underlying action held that any provisions of this Section
9 are invalid, unconstitutional, or preempted by federal law, notwithstanding the
10 doctrines of issue or claim preclusion.

11 §1063.15. Enforcement

12 The provisions of this Part shall be enforced exclusively through the private
13 civil enforcement actions described in R.S. 40:1063.9.

14 §1063.16. Required documentation

15 A. If an abortion is performed or induced on a pregnant woman because of
16 a medical emergency, the physician who performs or induces the abortion shall
17 execute a written document that certifies the abortion is necessary due to a medical
18 emergency, specify the woman's medical condition requiring the abortion, and do
19 both of the following:

20 (1) Place the written document in the pregnant woman's medical record.

21 (2) Maintain a copy of the written document in the physician's practice
22 records.

23 B.(1) If the abortion is performed or induced to preserve the health of the
24 pregnant woman, the physician who performs or induces the abortion shall execute
25 a written document that does both of the following:

26 (a) Specifies the medical condition the abortion is asserted to address.

27 (b) Provides the medical rationale for the physician's conclusion that the
28 abortion is necessary to address the medical condition.

1 (2) For an abortion other than described in this Subsection, the physician
2 shall specify in a written document that maternal health is not a purpose of the
3 abortion and maintain a copy of the document in the physician's practice records.

4 §1063.17. Health and safety provisions; voluntary and informed consent

5 Consent to an abortion is voluntary and informed only if obtained in
6 accordance with R.S. 40:1061.17 and any other applicable provisions of Part I of this
7 Chapter.

8 Section 2. R.S. 40:1061.1.3 is hereby repealed in its entirety.

9 Section 3.(A) The Louisiana State Law Institute is hereby directed to designate R.S.
10 40:1061 through 1061.30 as Part I of Chapter 5 of Title 40 of the Louisiana Revised Statutes
11 of 1950, and is further directed to apply to the Part the heading "Regulation of Abortion -
12 General Provisions".

13 (B)(1) The Louisiana State Law Institute is hereby directed to designate R.S.
14 40:1063.1 through 1063.17, as enacted by Section 1 of this Act, as Part II of Chapter 5 of
15 Title 40 of the Louisiana Revised Statutes of 1950, and as provided more specifically in this
16 Subsection; and is further directed to apply to the Part the heading "The Louisiana Heartbeat
17 Act".

18 (2) The Louisiana State Law Institute is hereby directed to designate R.S. 40:1063.1
19 through 1063.7, as enacted by Section 1 of this Act, as Subpart A of Part II of Chapter 5 of
20 Title 40 of the Louisiana Revised Statutes of 1950, and is further directed to apply to the
21 Subpart the heading "Prohibition on Abortion of Unborn Children With Detectable
22 Heartbeat".

23 (3) The Louisiana State Law Institute is hereby directed to designate R.S. 40:1063.8
24 through 1063.17, as enacted by Section 1 of this Act, as Subpart B of Part II of Chapter 5 of
25 Title 40 of the Louisiana Revised Statutes of 1950, and is further directed to apply to the
26 Subpart the heading "Enforcement".

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 800 Original

2022 Regular Session

Bagley

Abstract: Establishes the Louisiana Heartbeat Act.

Proposed law repeals and replaces present law prohibiting abortion when there is a detectable fetal heartbeat.

Proposed law provides legislative findings indicating that the fetal heartbeat is a predictor for the determination of whether an unborn child will reach live birth, when cardiac activity begins, and when the fetal heart is formed in the gestational sac.

Proposed law requires recordation of determinations of whether a fetal heartbeat is present in the fetus of a woman seeking an abortion.

Proposed law prohibits a physician from knowingly performing or inducing an abortion on a pregnant woman without determining whether the unborn child has a detectable heartbeat.

Proposed law establishes a test to make such a determination that is consistent with the physician's good faith and reasonable understanding of standard medical practice, appropriate for the estimated gestational age of the unborn child, and the condition of the pregnant woman and her pregnancy.

Proposed law requires the determining physician to record in the pregnant woman's medical record the following information:

- (1) The estimated gestational age of the unborn child.
- (2) The method used to estimate the gestational age.
- (3) The test used for detecting a fetal heartbeat, including the date, time, and results of the test.

Proposed law provides for exceptions to the provisions of proposed law if a medical emergency necessitates abortion or the medical condition of the pregnant woman prevents compliance with the requirements set forth in proposed law. Further requires certain information to be recorded if an abortion results from a medical emergency.

Proposed law stipulates that its provisions shall be enforced exclusively through private civil action.

Proposed law provides that any person, other than an officer or employee of a state or local governmental entity in this state, may bring a civil action against any person who does any of the following:

- (1) Performs or induces an abortion in violation of proposed law.
- (2) Knowingly engages in conduct that aids or abets the performance or inducement of an abortion.
- (3) Intends to engage in the conduct in violation of proposed law.

Proposed law limits standing to assert abortion rights as a defense to liability unless certain circumstances occur, as provided by proposed law.

Proposed law provides for sovereign immunity for the state of La., its political subdivisions, state employees and officers in any action, claim, or counterclaim that challenges the validity of any provision or application set forth in proposed law.

Proposed law provides for the award of attorney fees in actions that challenge abortion provisions in proposed law.

Proposed law requires that certain documentation be reported if an abortion is performed or induced on a pregnant woman because of a medical emergency.

Proposed law requires the physician who performs or induces the abortion to execute a written document that certifies that an abortion is necessary due to a medical emergency and specifies the woman's medical condition requiring the abortion.

(Adds R.S. 40:1063.1-1063.17; Repeals R.S. 40:1061.1.3)