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## DIGEST

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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)