

**SENATE COMMITTEE AMENDMENTS**

2022 Regular Session

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 342  
by Senator Jackson

1 AMENDMENT NO. 1

2 On page 1, line 2, after "To" insert "amend and reenact R.S. 14:87 and to"

3 AMENDMENT NO. 2

4 On page 1, line 5, after "governing authorities;" insert "to provide with respect to the crime  
5 of abortion; to provide for penalties;" and after "to provide for definitions;" insert "to provide  
6 for effective dates;"

7 AMENDMENT NO. 3

8 On page 2, between lines 22 and 23, insert the following:

9 "Section 2. R.S. 14:87 is hereby amended and reenacted to read as follows:

10 §87. Abortion; **late term abortion**

11 A. **Abortion.**

12 (1) Abortion is the performance **by any person** of any of the following acts,  
13 with the specific intent of terminating a **clinically diagnosable** pregnancy **of a**  
14 **woman, with the knowledge that terminating the pregnancy in such a manner**  
15 **will, with reasonable likelihood, cause the death of the unborn child:**

16 (a) Administering or prescribing any drug, potion, medicine or any other  
17 substance to a **pregnant woman** female; or

18 (b) Using any instrument or external force whatsoever on a **female woman.**

19 (2) This Section shall not apply to the ~~female who has an abortion~~ **woman.**

20 B. It shall not be unlawful for a physician to perform any of the acts  
21 described in Subsection A of this Section if performed under the following  
22 circumstances:

23 (1) The physician terminates the pregnancy in order to preserve the life or  
24 health of the unborn child or to remove a stillborn child.

25 (2) The physician terminates a pregnancy for the express purpose of saving  
26 the life, preventing the permanent impairment of a life sustaining organ or organs,  
27 or to prevent a substantial risk of death of the mother.

28 (3) The physician terminates a pregnancy by performing a medical procedure  
29 necessary in reasonable medical judgment to prevent the death or substantial risk of  
30 death due to a physical condition, or to prevent the serious, permanent impairment  
31 of a life-sustaining organ of a pregnant woman.

32 C. As used in this Section, the following words and phrases are defined as  
33 follows:

34 (1) "Physician" means any person licensed to practice medicine in this state.

35 (2) "Unborn child" means the unborn offspring of human beings from the  
36 moment of fertilization until birth.

37 D. **Late-term abortion.** (1) As used in this Subsection:

38 (a) **"Late-term abortion** ~~Abortion~~" means the specific intent to kill an  
39 unborn child **whose gestational age is fifteen weeks or more, and such intent is**  
40 consistent with the provisions and exceptions of ~~R.S. 40:1061~~ **Subsection A.**

41 (b) "Gestational age" means the age of an unborn child as calculated from the  
42 first day of the last menstrual period of the pregnant woman, as determined by the  
43 use of standard medical practices and techniques.

44 (2) It shall be unlawful for a physician to perform ~~any of the acts described~~  
45 ~~in Subsection A of this Section after fifteen weeks gestational age~~ **a late-term**  
46 **abortion.**

47 E. **Exceptions to late-term abortion.**

1 (1) In accordance with R.S. 40:1061(E), nothing in this Section may be  
2 construed to prohibit the sale, use, prescription, or administration of a  
3 contraceptive measure, drug, or chemical, if it is administered in accordance  
4 with manufacturer instructions.

5 (2) Nothing in this Section may be construed to subject a licensed  
6 physician who provides treatment to a pregnant woman which results in the  
7 accidental or unintentional injury or death of the unborn child, to any criminal  
8 conviction or penalty.

9 (3) Nothing in this Section may be construed to subject the pregnant  
10 woman upon whom an abortion is performed or attempted, to any criminal  
11 conviction or penalty.

12 **F. Penalties.**

13 (1) Whoever commits the crime of abortion **or late-term abortion** shall be  
14 imprisoned at hard labor for not less than one nor more than ten years and shall be  
15 fined not less than ten thousand dollars nor more than one hundred thousand dollars.

16 (2) This penalty shall not apply to the woman who has an abortion.

17 ~~F. The provisions of Subsection D of this Section shall become effective~~  
18 ~~upon final decision of the United States Court of Appeals for the Fifth Circuit~~  
19 ~~upholding the Act that originated as House Bill 1510 of the 2018 Regular Session of~~  
20 ~~the Mississippi Legislature, which decision would thereby provide the authority for~~  
21 ~~a state within the jurisdiction of that court of appeals to restrict abortion past fifteen~~  
22 ~~weeks gestational age.~~

23 **G. Effective date.** ~~The provisions of Subsection D of this Section are shall~~  
24 ~~become effective hereby repealed, in favor of the provisions of R.S. 40:1061,~~  
25 ~~immediately upon and to the extent that the United States Supreme Court upholds~~  
26 ~~the authority of the states to prohibit elective abortions on demand or by the adoption~~  
27 ~~of an amendment to the Constitution of the United States of America that would~~  
28 ~~restore to the state of Louisiana the authority to prohibit elective abortions."~~

29 **AMENDMENT NO. 4**

30 On page 2, line 23, change "Section 2." to "Section 3."