
SENATE FLOOR AMENDMENTS

2022 Regular Session

Amendments proposed by Senator Hewitt to Engrossed Senate Bill No. 388 by Senator Hewitt

1 AMENDMENT NO. 1

2 On page 1, line 3, change "chemical abortion" to "abortion-inducing"

3 AMENDMENT NO. 2

4 On page 1, delete lines 4 and 5, and insert the following:

5 "criminal abortion; to prohibit criminal abortion by means of the use of an abortion-
6 inducing drug without the prescribing physician"

7 AMENDMENT NO. 3

8 On page 1, delete lines 7 through 9, and insert the following:

9 "criminal penalties; to provide for defenses; to prohibit the selling, prescribing,
10 distributing, dispensing, or delivering of certain abortion-inducing drugs under
11 certain circumstances; to define abortion-inducing drugs; to provide for exceptions;
12 to provide for the "

13 AMENDMENT NO. 4

14 On page 1, delete lines 15 through 17, and insert the following:

15 "A. Criminal abortion is **committed when a person knowingly does either**
16 **of the following:**

17 **(1) Performs** an abortion, with or without the consent of the pregnant woman
18 or her legal guardian, that results in the death of an unborn child when the abortion
19 is performed by any individual who is not a physician licensed by the state of
20 Louisiana.

21 **(2) Causes an abortion to occur by means of delivering, dispensing,**
22 **distributing, or providing a pregnant woman with an abortion-inducing drug**
23 **when the person administering the drug is not a physician licensed by the state**
24 **of Louisiana who administers the abortion-inducing drug in person to the**
25 **pregnant woman.**"

26 AMENDMENT NO. 5

27 On page 2, delete lines 1 through 8, and insert the following:

28 "B. As used in this Section, **the following terms, whether used in the**
29 **singular or plural, shall have the following meanings:**

30 (1) "Abortion" means the act of using or prescribing any instrument,
31 medicine, drug, or any other substance, device, or means with the intent to terminate
32 the clinically diagnosable pregnancy of a woman with knowledge that ~~the~~
33 ~~termination by those means will, with reasonable likelihood, cause the death of the~~
34 unborn child **is reasonably likely to occur.** Such use, prescription, or means is not
35 an abortion if done with the intent to:"

36 AMENDMENT NO. 6

37 On page 2, delete lines 17 through 26, and insert the following:

1 **"(2) "Abortion-inducing drug" means a drug, medicine, or other**
2 **substance prescribed, dispensed, or distributed that is intended to cause an**
3 **abortion. "Abortion-inducing drug" includes the use of drugs, medicines, or**
4 **other substances that are known to have abortion-inducing properties including**
5 **the Mifeprex regimen, misoprostol (Cytotec), or methotrexate."**

6 AMENDMENT NO. 7

7 On page 3, delete lines 8 and 9, and insert the following:

8 **"(3)(5) "Unborn child" means the unborn offspring of human beings from the**
9 **moment of conception through pregnancy and until live birth shall have the same**
10 **meaning as provided in R.S. 14:2."**

11 AMENDMENT NO. 8

12 On page 3, line 24, after "Construction" insert "**and Defenses**"

13 AMENDMENT NO. 9

14 On page 3, delete lines 28 and 29, and insert the following:

15 **"(2) Any act taken or omission by a pregnant woman with regard to her own**
16 **unborn child.**

17 **(3) Possessing for her own consumption or consuming an abortion-**
18 **inducing drug by a pregnant woman in violation of this Section shall not subject**
19 **the pregnant woman to the criminal consequences.**

20 **(4) Lawfully prescribing, dispensing, or distributing a drug, medicine,**
21 **or other substance for a bona fide medical reason that is not intended to cause**
22 **an abortion in violation of this Section."**

23 AMENDMENT NO. 10

24 On page 4, line 2, after "**Chemical abortion**" and insert "**and abortion-inducing**"

25 AMENDMENT NO. 11

26 On page 4, delete lines 3 through 9, and insert the following:

27 **"A. Except as provided in R.S. 40:1061.11, no abortion-inducing drug**
28 **may be sold, prescribed, dispensed, distributed, or delivered in this state in**
29 **violation of this Section.**

30 **B. As used in this Section, "abortion-inducing drug" shall have the same**
31 **meaning as provided in R.S. 14:32.9. "Abortion-inducing drug" shall not**
32 **include any of the following:"**

33 AMENDMENT NO. 12

34 On page 4, delete line 13 through 15, and insert the following:

35 **"C. Notwithstanding any other provision of law to the contrary, delivery**
36 **to a person in Louisiana by mail-order, courier, or as a result of a sale made via**
37 **the internet in violation of this Section is strictly prohibited."**

38 AMENDMENT NO. 13

39 On page 4, line 18, delete "**mifepristone or misoprostol**" and insert "**an abortion-inducing**
40 **drug"**

1 AMENDMENT NO. 14

2 On page 4, line 19, delete "**chemical abortions**" and insert "**causing an abortion**"

3 AMENDMENT NO. 15

4 On page 4, line 23, delete "**mifepristone or misoprostol**" and insert "**an abortion-inducing**
5 **drug**"

6 AMENDMENT NO. 16

7 On page 4, between lines 25 and 26, insert the following:

8 **"F. Possessing for her own consumption or consuming an abortion-**
9 **inducing drug by a pregnant woman in violation of this Section shall not subject**
10 **the pregnant woman to the criminal consequences."**

11 AMENDMENT NO. 17

12 On page 5, after line 9, insert the following:

13 "Section 4. If any provision or item of this Act, or the application thereof, is
14 held invalid, such invalidity shall not affect other provisions, items, or applications
15 of the Act which can be given effect without the invalid provision, item, or
16 application and to this end the provisions of this Act are hereby declared severable."