
SENATE FLOOR AMENDMENTS

2022 Regular Session

Amendments proposed by Senator Jackson to Engrossed Senate Bill No. 342 by Senator Jackson

1 AMENDMENT NO. 1

2 On page 1, line 2, after "amend and reenact" delete "R.S. 14:87 and" and insert "R.S.
3 40:1061(D) and 1061.1.3(C) and" and before ", relative to abortion;" insert "and R.S. 14:87.7
4 and 87.8 and to repeal R.S. 14:87"

5 AMENDMENT NO. 2

6 On page 1, line 6, after "crime of abortion;" insert "to provide relative to a late term
7 abortion;"

8 AMENDMENT NO. 3

9 On page 2, line 24, after "Section 2." delete "R.S. 14:87 is hereby amended and reenacted"
10 and insert "R.S. 14:87.7 and 87.8 are hereby enacted"

11 AMENDMENT NO. 4

12 On page 2, delete lines 25 through 29, and insert the following:

13 **"§87.7. Abortion**

14 **A. It shall be unlawful for a physician or other person to perform an**
15 **abortion, with or without the consent of the pregnant female.**

16 **B. As used in this Section, the following terms shall have the following**
17 **meanings:**

18 **(1) "Abortion" means the act of using or prescribing any instrument,**
19 **medicine, drug, or any other substance, device, or means with the intent to**
20 **terminate the clinically diagnosable pregnancy of a pregnant female with**
21 **knowledge that the death of the unborn child is reasonably likely to occur. Such**
22 **use, prescription, or means is not an abortion if done with the intent to do any**
23 **of the following:**

24 **(a) Save the life or preserve the health of an unborn child.**

25 **(b) Remove a dead unborn child or induce delivery of the uterine**
26 **contents in case of a positive diagnosis, certified in writing in the female's**
27 **medical record along with the results of an obstetric ultrasound test, that the**
28 **pregnancy has ended or is in the unavoidable and untreatable process of ending**
29 **due to spontaneous miscarriage, also known in medical terminology as**
30 **spontaneous abortion, missed abortion, inevitable abortion, incomplete**
31 **abortion, or septic abortion.**

32 **(c) Remove an ectopic pregnancy.**

33 **(d) Terminate a pregnancy for the express purpose of saving the life,**
34 **preventing the permanent impairment of a life-sustaining organ or organs, or**
35 **preventing a substantial risk of death of the pregnant female.**

36 **(2) "Physician" means any person licensed or authorized to practice**
37 **medicine in this state.**

38 **(3) "Unborn child" means the unborn offspring of human beings from**
39 **the moment of fertilization until birth.**

40 **C. Whoever commits the crime of abortion shall be imprisoned at hard**
41 **labor for not less than one year nor more than ten years and shall be fined not**
42 **less than ten thousand dollars nor more than one hundred thousand dollars.**

43 **D. This Section does not apply to a pregnant female upon whom an**
44 **abortion is committed or performed in violation of this Section and the**
45 **pregnant female shall not be held responsible for the criminal consequences of**
46 **any violation of this Section.**

1 E. This Section shall not apply to the sale, use, prescription, or
2 administration of a contraceptive measure, drug or chemical, if it is
3 administered prior to the time when a pregnancy could be determined through
4 conventional medical testing and if the contraceptive measure is sold, used,
5 prescribed, or administered in accordance with manufacturer instructions.

6 F. This Section shall take effect and become operative immediately upon
7 and to the extent that the United States Supreme Court upholds the authority
8 of the states to prohibit abortions or by the adoption of an amendment to the
9 Constitution of the United States of America that would restore to the state of
10 Louisiana the authority to prohibit abortions.

11 **§87.8. Late term abortion**

12 A. It shall be unlawful for a physician or other person to perform a late
13 term abortion, with or without the consent of the pregnant female.

14 B. As used in this Section, the following terms shall have the following
15 meanings:

16 (1) "Abortion" shall have the same meaning as provided in R.S. 14:87.7.

17 (2) "Gestational age" means the age of an unborn child as calculated
18 from the first day of the last menstrual period of the pregnant female, as
19 determined by the use of standard medical practices and techniques.

20 (3) "Late term abortion" means the performance of an abortion when
21 the gestational age of the unborn child is fifteen weeks or more.

22 (4) "Physician" shall have the same meaning as provided in R.S. 14:87.7.

23 (5) "Unborn child" shall have the same meaning as provided in R.S.
24 14:87.7.

25 C. Whoever commits the crime of late term abortion shall be imprisoned
26 at hard labor for not less than one year nor more than fifteen years and shall be
27 fined not less than twenty thousand dollars nor more than two hundred
28 thousand dollars.

29 D. This Section does not apply to a pregnant female upon whom an
30 abortion is committed or performed in violation of this Section and the
31 pregnant female shall not be held responsible for the criminal consequences of
32 any violation of this Section.

33 E. This Section shall not apply to the sale, use, prescription, or
34 administration of a contraceptive measure, drug or chemical, if it is
35 administered prior to the time when a pregnancy could be determined through
36 conventional medical testing and if the contraceptive measure is sold, used,
37 prescribed, or administered in accordance with manufacturer instructions.

38 F. This Section shall take effect and become operative immediately upon
39 and to the extent that the United States Supreme Court upholds the authority
40 of the states to prohibit abortions or by the adoption of an amendment to the
41 Constitution of the United States of America that would restore to the state of
42 Louisiana the authority to prohibit abortions.

43 Section 3. R.S. 40:1061(D) and 1061.1.3(C) are hereby amended and
44 reenacted to read as follows:

45 §1061. Abortion; prohibition

46 * * *

47 D. Any person in violation of this Section shall be prosecuted pursuant to the
48 effective provisions of R.S. ~~14:87~~ **R.S. 14:87.7**, and shall be subject to the penalties
49 provided in R.S. 40:1061.29.

50 * * *

51 §1061.1.3. Abortion prohibited; detectable fetal heartbeat; ultrasound required

52 * * *

53 C. Whoever violates this Section shall be prosecuted pursuant to the effective
54 provisions of R.S. ~~14:87~~ **R.S. 14:87.7** and shall be subject to the penalties provided
55 in R.S. 40:1061.29.

56 * * *"

57 AMENDMENT NO. 5

58 Delete page 3 and 4 in their entirety.

1 AMENDMENT NO. 6

2 On page 5, delete lines 1 through 3, and insert the following:

3 Section 4. R.S. 14:87 is hereby repealed.

4 AMENDMENT NO. 7

5 On page 5, line 4, change "Section 3." to "Section 5."