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HOUSE FLOOR AMENDMENTS

2022 Regular Session

Amendments proposed by Representatives Seabaugh, Bacala, Butler, Cormier, Coussan, Davis, DeVillier, Edmonds, Edmonston, Fisher, Frieman, Garofalo, Geymann, Goudeau, Harris, Hodges, Hollis, Horton, Ivey, Travis Johnson, Mack, Magee, McFarland, McKnight, McMahan, Gregory Miller, Muscarello, Pressly, Romero, Schexnayder, Schlegel, Stagni, Stefanski, Thomas, Villio, White, and Wright to Engrossed House Bill No. 813 by Representative McCormick

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" delete the remainder of the line and at the beginning of line
3 3, delete "33.1" and insert "R.S. 40:1061(D) and 1061.1.3(C) and to enact R.S. 1:18 and R.S.
4 14:87.7 and 87.8 and to repeal R.S. 14:87"

5 AMENDMENT NO. 2

6 On page 1, line 3, after "definitions;" delete the remainder of the line and delete line 4 in its
7 entirety and on line 5 delete "provide relative to the enforcement of abortion;" and insert the
8 following:

9 "to provide for the interpretation of multiple abortion statutes; to provide for
10 the independent construction of each separate enactment of law related to abortion;
11 to provide for the severability; to restrict certain ordinances enacted by local
12 governing authorities; to provide with respect to the crime of abortion; to provide
13 relative to a late term abortion; to provide for penalties;"

14 AMENDMENT NO. 3

15 On page 1, delete lines 8 through 19 in their entirety and delete pages 2 and 3 in their
16 entirety and on page 4 delete lines 1 through 22 in their entirety and insert the following:

17 "Section 1. R.S. 1:18 is hereby enacted to read as follows:

18 §18. Construction of laws relative to abortion

19 A. Notwithstanding any other provision of law to the contrary, all laws or
20 parts of laws prohibiting or regulating abortion in conflict with a provision of law
21 subsequently enacted by the legislature prohibiting or regulating abortion are not
22 repealed by the law subsequently enacted. However, a subsequently enacted law may
23 expressly repeal other laws.

24 B. All laws or parts of laws prohibiting or regulating abortion may not be
25 construed to restrict a local governing authority from prohibiting or regulating
26 abortion to the extent that the local ordinance is at least as stringent as the laws of
27 this state unless the law explicitly provides that local governing authorities are
28 prohibited from prohibiting or regulating abortion in the manner described by the
29 law.

30 C. Unless otherwise specifically provided therein, the provisions of each act
31 of the legislature prohibiting or regulating abortion are severable, whether or not a
32 provision to that effect is included in the act. If any provision or item of an act
33 prohibiting or regulating abortion, or the application thereof, is held invalid, such
34 invalidity shall not affect other provisions, items, or applications of the act which can
35 be given effect without the invalid provision, item, or application.

1 D. This Section shall apply to acts of the legislature affecting general laws,
 2 and local and special laws, and statutes of the state, including the Louisiana Revised
 3 Statutes of 1950, the Civil Code, the Code of Civil Procedure, the Code of Criminal
 4 Procedure, the Code of Evidence, and the Children's Code.

5 Section 2. R.S. 14:87.7 and 87.8 are hereby enacted to read as follows:

6 §87.7. Abortion

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

9 B. As used in this Section, the following terms shall have the following
 10 meanings:

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

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

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

23 (c) Remove an ectopic pregnancy.

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

27 (2) "Physician" means any person licensed or authorized to practice medicine
 28 in this state.

29 (3) "Unborn child" means the unborn offspring of human beings from the
 30 moment of fertilization until birth.

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

34 D. This Section shall not apply to a pregnant female upon whom an abortion
 35 is committed or performed in violation of this Section and the pregnant female shall
 36 not be held responsible for the criminal consequences of any violation of this
 37 Section.

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

43 F. This Section shall take effect and become operative immediately upon and
 44 to the extent that the United States Supreme Court upholds the authority of the states
 45 to prohibit abortions or by the adoption of an amendment to the Constitution of the
 46 United States of America that would restore to the state of Louisiana the authority
 47 to prohibit abortions.

48 §87.8. Late term abortion

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

51 B. As used in this Section, the following terms shall have the following
 52 meanings:

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

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

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

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

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

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

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

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

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

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

§1061. Abortion; prohibition

* * *

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

* * *

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

* * *

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

* * *

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

AMENDMENT NO. 4

On page 4, line 23, change "Section 6." to "Section 5."