

2023 Regular Session

HOUSE BILL NO. 461

BY REPRESENTATIVE DUBUISSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ABORTION: Provides relative to exceptions to abortion

1 AN ACT

2 To amend and reenact R.S. 14:87.1(1)(b)(ii) and R.S. 40:1061(I), relative to abortion; to
3 provide relative to the definition of abortion; to provide for exceptions to abortion;
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:87.1(1)(b)(ii) is hereby amended and reenacted to read as follows:

7 §87.1. Definitions

8 Wherever used in this Subpart, unless a different meaning clearly appears in
9 the context, the following terms, whether used in the singular or plural, shall have
10 the following meanings:

11 (1)

12 * * *

13 (b) Abortion shall not mean any one or more of the following acts, if
14 performed by a physician:

15 * * *

16 (ii) ~~The removal of a dead unborn child or the inducement or delivery of the~~
17 ~~uterine contents in case of a positive diagnosis, certified in writing in the woman's~~
18 ~~medical record along with the results of an obstetric ultrasound test, that the~~
19 ~~pregnancy has ended or is in the unavoidable and untreatable~~ The performance of
20 a medical procedure to treat a patient who has been diagnosed, in good faith medical

medical judgment and certified in writing in the woman's medical record, with a pregnancy that has ended or is in the process of ending due to spontaneous miscarriage, also known in medical terminology as spontaneous abortion, missed abortion, inevitable abortion, incomplete abortion, or septic abortion,

Proposed law provides an exception for a medical procedure that treats a patient who has, in good faith medical judgment and certified in writing in the woman's medical record, been diagnosed with a complication that renders the pregnancy nonviable.

Present law (R.S. 40:1061) provides for a prohibition on abortion and provides for penalties.

Proposed law retains present law.

Present law provides that the terms used in present law (R.S. 40:1061) have the same meaning as the definitions provided in present law (R.S. 14:87.1).

Proposed law amends present law to provide that it shall not be a violation of present law R.S. 40:1061) to perform any act or procedure that is not a violation of present law (R.S. 14:87.7 or R.S. 14:87.8), as defined by present law (R.S. 14:87.1).

(Amends R.S. 14:87.1(1)(b)(ii) and R.S. 40:1061(I))