

2023 Regular Session

HOUSE BILL NO. 522

BY REPRESENTATIVE FREEMAN

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

ABORTION: Provides relative to abortion

1 AN ACT

2 To amend and reenact R.S. 14:87.1(1)(a)(introductory paragraph) and (b)(vi), 87.7(C), and
3 87.8(B) and R.S. 40:1061(D), relative to abortion; to provide for definitions; to
4 provide for the imposition of fines in place of imprisonment when an abortion has
5 been performed; to reduce the requirements for physician certification regarding the
6 determination of medical futility; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:87.1(1)(a)(introductory paragraph) and (b)(vi), 87.7(C), and
9 87.8(B) are hereby amended and reenacted to read as follows:

10 §87.1. Definitions

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

14 (1)(a) "Abortion" or "induced abortion" means the performance of any act
15 with the specific intent to terminate a clinically diagnosable pregnancy and ~~with~~
16 ~~knowledge that the termination by those means will, with reasonable likelihood,~~
17 cause the death of the unborn child by one or more of the following means:

18 * * *

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

3 * * *

4 (vi) The removal of an unborn child who is deemed to be medically futile.
5 The diagnosis shall be a medical judgment certified by ~~two~~ a qualified ~~physicians~~
6 physician and recorded in the woman's medical record. The medical procedure shall
7 be performed in a licensed ambulatory surgical center or hospital. Upon the
8 completion of the procedure, the physician shall submit an individual abortion report
9 consistent with R.S. 40:1061.21 that includes appropriate evidence of the certified
10 diagnosis.

11 * * *

12 §87.7. Abortion

13 * * *

14 C. Whoever commits the crime of abortion shall be ~~imprisoned at hard labor~~
15 ~~for not less than one year nor more than ten years and shall be fined not less than ten~~
16 ~~thousand dollars nor more than one hundred~~ up to twenty-five thousand dollars.

17 * * *

18 §87.8. Late term abortion

19 * * *

20 B. Whoever commits the crime of late term abortion ~~shall be imprisoned at~~
21 ~~hard labor for not less than one year nor more than fifteen years and shall be fined~~
22 ~~not less than twenty thousand dollars nor more than two hundred~~ up to fifty thousand
23 dollars.

24 * * *

25 Section 2. R.S. 40:1061(D) is hereby amended and reenacted to read as follows:

26 §1061. Abortion; prohibition

27 * * *

