

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 \* \* \*

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

4 \* \* \*

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 522 Original 2023 Regular Session Freeman

**Abstract:** Redefines abortion, imposes fines in place of imprisonment when an abortion has been performed, and reduces physician certification requirements for a determination of medical futility.

Present law defines "abortion" as the performance of any act with the intent to terminate a clinically diagnosable pregnancy with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child by one or more of the means provided in present law.

Proposed law defines "abortion" as the performance of any act with the specific intent to terminate a clinically diagnosable pregnancy and cause the death of the unborn child by one or more of the means provided in present law.

Present law requires a medical judgment certified by two qualified physicians and recorded in the woman's medical record in order to deem the removal of an unborn child medically futile.

Proposed law changes the required number of qualified physicians necessary for a medically futile diagnosis from two to one and otherwise retains present law.

Present law requires whoever commits the crime of abortion to be imprisoned at hard labor for not less than one year nor more than 10 years and fined not less than \$10,000 nor more than \$100,000.

Proposed law removes the imprisonment provision for the performance of an abortion and changes the aforementioned amount to no more than \$25,000.

Present law requires whoever commits the crime of late term abortion to be imprisoned at hard labor for not less than one year nor more than 15 years. Present law also imposes a fine of not less than \$20,000 nor more than \$200,000.

Proposed law removes the imprisonment provision for the performance of a late term abortion and changes the aforementioned amount to no more than \$50,000.

Present law imposes civil penalties for a violation of the abortion provisions in present law. Proposed law removes the civil penalty provision.

(Amends R.S. 14:87.1(1)(a)(intro. para.) and (b)(vi), 87.7(C), and 87.8(B) and R.S. 40:1061(D))