

2023 Regular Session

HOUSE BILL NO. 598

BY REPRESENTATIVE NEWELL

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

ABORTION: Amends definitions relative to the crime of abortion

1 AN ACT

2 To amend and reenact R.S. 14:87.1(1)(b)(iii) and (v), (4)(c), (6) and (19)(a), and to repeal  
3 R.S. 14:87.1(b)(iv); relative to the crime of abortion; to amend certain definitions;  
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)(iii) and (v), (4)(c), (6) and (19)(a) are hereby amended  
7 and reenacted to read as follows:

8 §87.1. Definitions

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

12 (1)

13 \* \* \*

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

16 \* \* \*

17 (iii) The removal of an ectopic pregnancy, whether through surgery or  
18 medical treatment.

19 ~~(iv) The use of methotrexate to treat an ectopic pregnancy.~~

1           (v) The performance of a medical procedure necessary in good faith medical  
 2 judgment or reasonable medical judgment to prevent the death or substantial risk of  
 3 death to the pregnant woman due to a physical condition, or to prevent the serious,  
 4 permanent impairment of a life-sustaining organ of a pregnant woman, including but  
 5 not limited to treatment of cancer or blood disorders such as sickle cell anemia and  
 6 hemophilia. ~~However, the physician shall make reasonable medical efforts under the~~  
 7 ~~circumstances to preserve both the life of the mother and the life of her unborn child~~  
 8 ~~in a manner consistent with reasonable medical practice.~~

9   \*       \*       \*

10           (4) "Clinically diagnosable pregnancy" means a pregnancy that is capable  
 11 of being verified by one of the following conventional medical testing methods,  
 12 whether or not any testing was in fact performed by any person:

13   \*       \*       \*

14           (c) Molar poignancy, and any variant thereof, shall not be a clinically  
 15 diagnosable pregnancy.

16   \*       \*       \*

17           (6) "Contraceptive" means any device, measure, drug, chemical, endometrial  
 18 implantation modification, or product, including single-ingredient levonorgestrel,  
 19 that has been approved by the United States Food and Drug Administration for the  
 20 purpose of preventing pregnancy and is intended to be administered prior to the time  
 21 when a clinically diagnosable pregnancy can be determined, provided that the  
 22 contraceptive is sold, prescribed, or administered in accordance with manufacturer's  
 23 instructions.

24   \*       \*       \*

25           (19)(a) "Medically futile" means that, in reasonable medical judgment as  
 26 certified by two physicians, the unborn child has a profound and irremediable  
 27 congenital or chromosomal anomaly that is incompatible with sustaining life after  
 28 birth, or a spontaneous, profound, and irremedial complication of the pregnancy that

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1        makes the carriage to term of the unborn child likely due to the profound and  
2        irremediable spontaneous complication.

3                                        \*       \*       \*

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)]

HB 598 Original                                        2023 Regular Session                                        Newell

**Abstract:** Amends definitions relative to the crime of abortion.

Present law provides for the crime of abortion.

Present law provides that abortion is not the removal of an ectopic pregnancy.

Proposed law retains present law and adds that removal of an ectopic pregnancy through surgery or treatment is not an abortion.

Present law provides that treatment of an ectopic pregnancy with methotrexate is not considered an abortion.

Proposed law removes this exception.

Present law defines "medically futile" as in reasonable medical judgment as certified by two physicians, the unborn child has a profound and irremediable congenital or chromosomal anomaly that is incompatible with sustaining life after birth.

Proposed law retains present law and adds to this definition or a spontaneous, profound, and irremedial complication of the pregnancy that makes the carriage to term of the unborn child likely due to the profound and irremediable spontaneous complication.

Proposed law adds endometrial implantation modification to the definition of "contraceptive".

(Amends R.S. 14:87.1(1)(b)(iii) and (v), (4)(c), (6) and (19)(a); Repeals 14:87.1(b)(iv))