

2024 Regular Session

SENATE BILL NO. 225

BY SENATOR DUPLESSIS

HEALTH CARE. Provides for the right to contraception. (8/1/24)

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AN ACT

To enact Part I-A of Chapter 1 of Code Title I of Code Book I of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:55 through 57, relative to the right to contraception; to provide for the right to contraceptives, emergency contraceptives, and information related to contraceptives; to provide for definitions; to provide for enforcement and penalties; to provide for defense; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part I-A of Chapter 1 of Code Title I of Code Book I of Title 9 of the Louisiana Revised Statutes of 1950, comprised of R.S. 9:55 through 57, is hereby enacted to read as follows:

PART I-A. CONTRACEPTION

§55. Right to contraception

A. For purposes of this Part:

(1) "Contraceptive" means any device, measure, drug, chemical, or product, including single-ingredient levonorgestrel, that has been approved by the United States Food and Drug Administration for the purpose of preventing

1 pregnancy and is intended to be administered prior to the time when a clinically
2 diagnosable pregnancy can be determined, provided that the contraceptive is
3 sold, prescribed, or administered in accordance with the manufacturer's
4 instructions.

5 (2) "Emergency contraceptive" means a drug, chemical, or product,
6 including but not limited to single-ingredient levonorgestrel or ulipristal, that
7 has been approved by the United States Food and Drug Administration and is
8 designed or intended to be taken after sexual intercourse but prior to the time
9 when a clinically diagnosable pregnancy can be determined, provided that the
10 emergency contraceptive is sold, prescribed, or administered in accordance with
11 the manufacturer's instructions or is prescribed in accordance with the
12 standard of care that is generally accepted by the American College of
13 Obstetricians and Gynecologists.

14 B. A person shall have the right to access contraceptives, emergency
15 contraceptives, and information related to contraceptives. A health care
16 provider shall have the corresponding right to provide contraceptives,
17 emergency contraceptives, and information related to contraceptives.

18 §56. Applicability

19 No law or regulation of this state shall impede access to contraceptives,
20 emergency contraceptives, or information related to contraceptives or provide
21 for any other provision that:

22 (1) Prohibits or restricts the sale or use of contraceptives or emergency
23 contraceptives.

24 (2) Prohibits or restricts any person from aiding another person in
25 obtaining any contraceptives or emergency contraceptives.

26 (3) Exempts any contraceptives in a way that would make it difficult to
27 sell, provide, obtain, or use those contraceptives or emergency contraceptives.

28 §57. Enforcement; penalties

29 A. The attorney general may bring an action for injunctive relief against

- 1 **any person who violates the provisions of this Part.**
- 2 **B. Any person, entity, or health care provider may file a petition for**
- 3 **injunctive relief against any person who violates the provisions of this Part.**
- 4 **C. A person defending a claim against him for denying access to**
- 5 **contraceptives or emergency contraceptives under R.S. 9:56 shall establish by**
- 6 **clear and convincing evidence that:**
- 7 **(1) The limitation or requirement significantly advances patient health**
- 8 **or safety.**
- 9 **(2) The safety or health of patients cannot be advanced by a less**
- 10 **restrictive alternative measure or action.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Amanda Trapp.

SB 225 Original	DIGEST 2024 Regular Session	Duplessis
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Proposed law provides for the right for individuals to have access to contraceptives and emergency contraceptives.

Proposed law provides for a corresponding right for health care providers to provide contraceptives, emergency contraceptives, and information related to contraceptives.

Proposed law prohibits any law or regulation of the state from impeding access to contraceptives, emergency contraceptives, or information related to contraceptives.

Proposed law authorize the attorney general to enforce the provisions of proposed law.

Proposed law authorizes any person, entity, or health care provider to file a petition for injunctive relief against any person who violates the provisions of proposed law.

Proposed law provides for standards of proof for a person defending himself against claims of violations of proposed law.

Effective August 1, 2024.

(Adds R.S. 9:55-57)