

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 276

2024 Regular Session

Pressly

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

CRIME/PUNISHMENT. Creates the crime of coerced criminal abortion by means of fraud to prohibit a third-party from knowingly using an abortion-inducing drug to cause, or attempt to cause, an abortion on an unsuspecting pregnant mother without her knowledge or consent and amends various abortion criminal laws to add the crime of attempted abortion. (gov sig)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Make technical changes.
2. Add mifepristone and misoprostol to Schedule IV of the Uniform Controlled Dangerous Substance Law.
3. Provide an exception to the unlawful possession of a Schedule IV controlled dangerous substance for a pregnant woman who possesses mifepristone or misoprostol for her own consumption.
4. Designate proposed law as "The Catherine and Josephine Herring Act".

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

SB 276 Engrossed

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Proposed law creates the crime of criminal abortion by means of fraud and adds attempted abortion to certain criminal abortion statutes. Further designates the crime of abortion by means of abortion-inducing drugs as a "racketeering activity".

Proposed law creates the crime of coerced criminal abortion by means of fraud and defines the elements as knowingly and intentionally engaging in the use of an abortion-inducing drug on a pregnant woman, without her knowledge or consent, with the intent to cause an abortion.

Proposed law provides that it is not a defense to prosecution if the attempt fails to cause the death of the unborn child. Further provides that it is not a defense to the prosecution of murder or attempted murder if the person commits the crime of coerced criminal abortion by means of fraud and the use of an abortion-inducing drug results in the death or serious bodily injury of the pregnant woman.

Proposed law creates an enhanced penalty if the unborn child is more than three months of gestational age.

Present law (R.S. 15:1352) provides for the definition of "racketeering activity" and provides for certain criminal offenses and otherwise retains present law.

Proposed law adds criminal abortion by means of abortion-inducing drugs to the definition of "racketeering activity".

Present law (R.S. 40:964) provides for the designation of controlled dangerous substances into Schedules I, II, III, IV, and V based upon the substances' potential for addiction and abuse.

Proposed law amends present law to add mifepristone and misoprostol to Schedule IV .

Present law (R.S. 40:969) provides for prohibited acts and penalties relative to Schedule IV controlled dangerous substances.

Proposed law retains present law and provides that it shall not be a violation of present law for a pregnant woman to possess mifepristone or misoprostol for her own consumption.

Proposed law directs that the Board of Pharmacy notify all pharmacists of proposed law at that lawful prescriptions for mifepristone and misoprostol may be filled in accordance with proposed law and that the La. Department of Health to notify all healthcare practitioners and providers of proposed law and that mifepristone and misoprostol may be prescribed and administered in accordance proposed law.

Proposed law shall be cited and referred to as "The Catherine and Josephine Herring Act".

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 14:87.1(1)(a) and R.S. 40:969(C) and to enact R.S. 14:87.6.1, R.S. 15:1352(A)(71), and R.S. 40:964(Schedule IV)(F),"

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