

SENATE BILL NO. 276

BY SENATORS PRESSLY, ABRAHAM, ALLAIN, BARROW, BASS, CATHEY, CLOUD, CONNICK, EDMONDS, FESI, HENRY, HODGES, KLEINPETER, LAMBERT, MCMATH, MIGUEZ, MILLER, MIZELL, MORRIS, REESE, SEABAUGH, STINE, TALBOT AND WOMACK AND REPRESENTATIVES AMEDEE, BAMBURG, BAYHAM, BERAULT, BUTLER, CHENEVERT, CREWS, DICKERSON, EGAN, EMERSON, FIRMENT, GLORIOSO, HORTON, MACK, OWEN, SCHAMERHORN, THOMPSON AND WYBLE

1 AN ACT

2 To amend and reenact R.S. 14:87.1(1)(a) and R.S. 40:969(C) and to enact R.S. 14:87.6.1,  
3 R.S. 15:1352(A)(71), and R.S. 40:964(Schedule IV)(F), relative to abortion; to create  
4 the crime of coerced criminal abortion by means of fraud; to provide relative to the  
5 crime of criminal abortion by means of abortion-inducing drugs; to provide  
6 penalties; to provide relative to the definition of crime racketeering activity; to add  
7 certain substances to Schedule IV of the Uniform Controlled Dangerous Substances  
8 Law; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 14:87.1(1)(a) is hereby amended and reenacted and R.S. 14:87.6.1  
11 is hereby enacted to read as follows:

12 §87.1. Definitions

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

16 (1)(a) "Abortion" or "induced abortion" means the performance of any act  
17 with the intent to terminate a clinically diagnosable pregnancy with knowledge that  
18 the termination by those means will, with reasonable likelihood, cause the death of  
19 the unborn child, **whether or not the child survives**, by one or more of the  
20 following means:

21 \* \* \*

22 **§87.6.1. Coerced criminal abortion by means of fraud**

23 **A. Coerced criminal abortion by means of fraud is committed when a**

1 person knowingly and intentionally engages in the use of an abortion-inducing  
2 drug on a pregnant woman, without her knowledge or consent, with the intent  
3 to cause an abortion.

4 B.(1) Except as provided in Paragraph (2) of this Subsection, whoever  
5 commits the crime of coerced criminal abortion by means of fraud shall be  
6 imprisoned at hard labor for not less than five nor more than ten years, fined  
7 not less than ten thousand nor more than seventy-five thousand dollars, or both.

8 (2) Whoever commits the crime of coerced criminal abortion by means  
9 of fraud when the unborn child is more than three months of gestational age  
10 shall be imprisoned at hard labor for not less than ten nor more than twenty  
11 years, fined not less than fifty thousand nor more than one hundred thousand  
12 dollars, or both.

13 C. The prosecution of a person pursuant to this Section shall not be a  
14 defense against the prosecution under any other provision of law, including  
15 murder or attempted murder, should the person commit the crime of coerced  
16 criminal abortion by means of fraud and the use of an abortion-inducing drug  
17 results in the death or serious bodily injury of the pregnant woman.

18 Section 2. R.S. 15:1352(A)(71) is hereby enacted to read as follows:

19 §1352. Definitions

20 A. As used in this Chapter, "racketeering activity" means committing,  
21 attempting to commit, conspiring to commit, or soliciting, coercing, or intimidating  
22 another person to commit any crime that is punishable under the following  
23 provisions of Title 14 of the Louisiana Revised Statutes of 1950, the Uniform  
24 Controlled Dangerous Substances Law, or the Louisiana Securities Law:

25 \* \* \*

26 (71) R.S. 14:87.9 (Criminal abortion by means of abortion-inducing  
27 drug)

28 \* \* \*

29 Section 3. R.S.40:969(C) is hereby amended and reenacted and R.S. 40:964(Schedule  
30 IV)(F) is hereby enacted to read as follows:

1 §964. Composition of schedules

2 Schedules I, II, III, IV, and V shall, unless and until added pursuant to R.S.  
3 40:962, consist of the following drugs or other substances, by whatever official  
4 name, common or usual name, chemical name, or brand name designated:

5 \* \* \*

6 SCHEDULE IV

7 \* \* \*

8 **F. Mifepristone, Misoprostol. Unless listed in another schedule, any**  
9 **material, compound, mixture, or preparation containing any detectable**  
10 **quantity of mifepristone or misoprostol.**

11 \* \* \*

12 §969. Prohibited acts--Schedule IV; penalties

13 \* \* \*

14 C.(1) Possession. It is unlawful for any person knowingly or intentionally to  
15 possess a controlled dangerous substance classified in Schedule IV unless such  
16 substance was obtained directly or pursuant to a valid prescription or order from a  
17 practitioner, or as provided in R.S. 40:978, while acting in the course of his  
18 professional practice or except as otherwise authorized by this Part. Any person who  
19 violates this Subsection with respect to:

20 ~~(1)~~(a) Flunitrazepam shall be imprisoned, with or without hard labor, for not  
21 less than one year nor more than ten years, and may, in addition, be required to pay  
22 a fine of not more than five thousand dollars.

23 ~~(2)~~(b) Any other controlled dangerous substance shall be imprisoned with or  
24 without hard labor for not less than one year nor more than five years and, in  
25 addition, may be required to pay a fine of not more than five thousand dollars.

26 **(2) It shall not be a violation of this Subsection for a pregnant woman to**  
27 **possess mifepristone or misoprostol for her own consumption.**

28 \* \* \*

29 Section 4. This Act shall become effective on October 1, 2024.

30 Section 5. This Act shall be cited and referred to as "The Catherine and Josephine

1 Herring Act".

2 Section 6. The Board of Pharmacy is directed to notify all pharmacists in Louisiana  
3 about the provisions of this law and that lawful prescriptions for mifepristone and  
4 misoprostol may be filled in accordance with R.S. 14:87.9(C)(6).

5 Section 7. The Louisiana Department of Health is directed to notify all healthcare  
6 practitioners and providers in Louisiana about the provisions of this law and that  
7 mifepristone and misoprostol may be prescribed and administered in accordance with R.S.  
8 14:87.9(C)(6).

9 Section 8. If any provision of this Act or the application thereof is held invalid, such  
10 invalidity shall not affect other provisions or applications of this Act which can be given  
11 effect without the invalid provisions or applications, and to this end the provisions of this  
12 Act are hereby declared severable.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_