2024 Regular Session

HOUSE BILL NO. 63

BY REPRESENTATIVE NEWELL

ABORTION: Amends definitions relative to the crime of abortion

AN ACT
To amend and reenact R.S. 14:87.1(1)(b)(ii), (iii), and (v), (6), and (19)(a), relative to the
crime of abortion; to amend certain definitions; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 14:87.1(1)(b)(ii), (iii), and (v), (6), and (19)(a) are hereby amended
and reenacted to read as follows:
§87.1. Definitions
Wherever used in this Subpart, unless a different meaning clearly appears in
the context, the following terms, whether used in the singular or plural, shall have
the following meanings:
(1)
* * *
(b) Abortion shall not mean any one or more of the following acts, if
performed by a physician:
* * *
(ii) The removal of a dead unborn child or the inducement or delivery of the
uterine contents in case of a positive diagnosis, certified in writing in the woman's
medical record along with the results of an obstetric ultrasound test, that the
pregnancy has ended or is in the unavoidable and untreatable process of ending due
to spontaneous miscarriage, also known in medical terminology as spontaneous

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1	abortion, missed abortion, inevitable abortion, incomplete abortion, or septic
2	abortion, including a spontaneous, profound, and irremediable complication of the
3	pregnancy that makes the carriage to term of the unborn child unlikely due to the
4	profound and irremediable spontaneous complication.
5	(iii) The removal of an ectopic pregnancy or any variant of a molar
6	pregnancy, whether through surgery or medical treatment.
7	* * *
8	(v) The performance of a medical procedure necessary in good faith medical
9	judgment or reasonable medical judgment to prevent the death or substantial risk of
10	death to the pregnant woman due to a physical condition, or to prevent the serious,
11	permanent impairment of a life-sustaining organ of a pregnant woman, including but
12	not limited to treatment of cancer or blood disorders such as sickle cell anemia and
13	hemophilia. However, the physician shall make reasonable medical efforts under the
14	circumstances to preserve both the life of the mother and the life of her unborn child
15	in a manner consistent with reasonable medical practice.
15 16	in a manner consistent with reasonable medical practice.
16	* * *
16 17	* * * (6) "Contraceptive" means any device, measure, drug, chemical, <u>endometrial</u>
16 17 18	* * * (6) "Contraceptive" means any device, measure, drug, chemical, <u>endometrial</u> <u>implantation modification</u> , or product, including single-ingredient levonorgestrel,
16 17 18 19	* * * (6) "Contraceptive" means any device, measure, drug, chemical, <u>endometrial</u> <u>implantation modification</u> , or product, including single-ingredient levonorgestrel, that has been approved by the United States Food and Drug Administration for the
16 17 18 19 20	* * * (6) "Contraceptive" means any device, measure, drug, chemical, <u>endometrial</u> <u>implantation modification</u> , or product, including single-ingredient levonorgestrel, that has been approved by the United States Food and Drug Administration for the purpose of preventing pregnancy and is intended to be administered prior to the time
 16 17 18 19 20 21 	* * * * (6) "Contraceptive" means any device, measure, drug, chemical, <u>endometrial</u> <u>implantation modification</u> , or product, including single-ingredient levonorgestrel, that has been approved by the United States Food and Drug Administration for the purpose of preventing pregnancy and is intended to be administered prior to the time when a clinically diagnosable pregnancy can be determined, provided that the
 16 17 18 19 20 21 22 	* * * (6) "Contraceptive" means any device, measure, drug, chemical, <u>endometrial</u> <u>implantation modification</u> , or product, including single-ingredient levonorgestrel, that has been approved by the United States Food and Drug Administration for the purpose of preventing pregnancy and is intended to be administered prior to the time when a clinically diagnosable pregnancy can be determined, provided that the contraceptive is sold, prescribed, or administered in accordance with manufacturer's
 16 17 18 19 20 21 22 23 	* * * (6) "Contraceptive" means any device, measure, drug, chemical, <u>endometrial</u> <u>implantation modification</u> , or product, including single-ingredient levonorgestrel, that has been approved by the United States Food and Drug Administration for the purpose of preventing pregnancy and is intended to be administered prior to the time when a clinically diagnosable pregnancy can be determined, provided that the contraceptive is sold, prescribed, or administered in accordance with manufacturer's instructions.
 16 17 18 19 20 21 22 23 24 	* * * * (6) "Contraceptive" means any device, measure, drug, chemical, endometrial implantation modification, or product, including single-ingredient levonorgestrel, that has been approved by the United States Food and Drug Administration for the purpose of preventing pregnancy and is intended to be administered prior to the time when a clinically diagnosable pregnancy can be determined, provided that the contraceptive is sold, prescribed, or administered in accordance with manufacturer's instructions.
 16 17 18 19 20 21 22 23 24 25 	* * * (6) "Contraceptive" means any device, measure, drug, chemical, <u>endometrial</u> <u>implantation modification</u> , or product, including single-ingredient levonorgestrel, that has been approved by the United States Food and Drug Administration for the purpose of preventing pregnancy and is intended to be administered prior to the time when a clinically diagnosable pregnancy can be determined, provided that the contraceptive is sold, prescribed, or administered in accordance with manufacturer's instructions. * * * (19)(a) "Medically futile" means that, in reasonable medical judgment as

- 1 that makes the carriage to term of the unborn child unlikely 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 63 Original	2024 Regular Session	Newell
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Abstract: Amends definitions relative to the crime of abortion.

Present law provides for the crime of abortion.

<u>Present law</u> provides that abortion is not the removal of an ectopic pregnancy.

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

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

Proposed law removes this exception.

<u>Present law</u> provides that abortion is not the performance of a medical procedure necessary in good faith medical judgment or reasonable medical judgment to prevent the death or substantial risk of death to the pregnant woman due to a physical condition, or to prevent the serious, permanent impairment of a life-sustaining organ of a pregnant woman.

<u>Proposed law</u> retains <u>present law</u> and adds a provision for the treatment of cancer or blood disorders such as sickle cell anemia and hemophilia.

<u>Present law</u> further provides that a physician shall make reasonable medical efforts under the circumstances to preserve both the life of the mother and the life of her unborn child in a manner consistent with reasonable medical practice.

<u>Proposed law</u> removes this provision of <u>present law</u>.

<u>Present law</u> defines "clinically diagnosable pregnancy" as a pregnancy that is capable of being verified by one of the following conventional medical testing methods, whether or not any testing was in fact performed by any person:

- (1) A blood or urine test, whether used at home or in a medical setting, that tests for the human pregnancy hormone known as human chorionic gonadotropin that medically indicates that implantation has occurred.
- (2) An ultrasound examination.

<u>Proposed law</u> retains <u>present law</u> and provides that a molar pregnancy, and any variant thereof, shall not be a clinically diagnosable pregnancy.

<u>Present law</u> defines "contraceptive" as any device, measure, drug, chemical, or product, including single-ingredient levonorgestrel, that has been approved by the United States Food

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and Drug Administration for the purpose of preventing pregnancy and is intended to be administered prior to the time when a clinically diagnosable pregnancy can be determined, provided that the contraceptive is sold, prescribed, or administered in accordance with manufacturer's instructions.

<u>Proposed law</u> amends the <u>present law</u> definition of "contraceptive" to add endometrial implantation modification.

<u>Present law</u> 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.

<u>Proposed law</u> retains <u>present law</u> 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.

(Amends R.S. 14:87.1(1)(b)(ii), (iii), and (v), (6), and (19)(a))