

Louisiana 'heartbeat' abortion ban nearing final passage

15 May 2019, by Melinda Deslatte

A proposal to ban abortions in Louisiana as early as the sixth week of pregnancy continued to speed through the state legislature Wednesday, a day after Alabama lawmakers voted for what could become the nation's most restrictive law against the procedure.

Without objection, the Louisiana House Health and Welfare Committee backed legislation to prohibit abortions when a fetal heartbeat is detected, similar to laws passed in several conservative states that are aimed at challenging the U.S. Supreme Court's 1973 decision that legalized abortion. Louisiana's ban, however, only would take effect if a federal appeals court upholds a similar law in Mississippi.

Louisiana's so-called "heartbeat bill" is sponsored by state Sen. John Milkovich, one of several measures that lawmakers are advancing to add new restrictions on abortion. Senators already have supported the bill, which will next receive full House consideration, one step from final passage. Democratic Gov. John Bel Edwards has indicated he will sign the measure if it reaches his desk.

"We believe children are a gift from God," said Milkovich, a Democrat from Keithville. He said his proposal provides that "once a heartbeat is detected, the baby can't be killed."

In Louisiana, Alabama and other conservative states, anti-abortion politicians emboldened by the addition of conservative justices to the U.S. Supreme Court are hoping to ignite legal fights and eventually overturn the landmark Roe v. Wade decision, putting an end to the constitutional right to abortion.

Kentucky, Mississippi, Ohio and Georgia recently approved bans on abortion once a [fetal heartbeat](#) is detected. None of those are yet in force.

Opponents said Louisiana's bill would effectively

eliminate abortion as an option before many women realize they are pregnant, calling the proposal unconstitutional.

"Louisianans need more health care, free of harassment, not more political posturing," said Amy Irvin, executive director of the New Orleans Abortion Fund, which gives financial help to women who can't afford the procedure.

The legislation includes an exception from the abortion ban to prevent the [pregnant woman's](#) death or "a serious risk of the substantial and irreversible impairment of a major bodily function"—or if the pregnancy is deemed "medically futile."

But it does not include an exception for a pregnancy caused by rape or incest. Irvin called that "a horribly cruel omission."

A doctor who violates the prohibition under the bill could face a [prison sentence](#) of up to two years, along with revocation of medical license.

Testifying with Milkovich was Jennifer McCoy, who served prison time for conspiracy to commit arsons at two Virginia abortion clinics.

While House lawmakers advanced that proposal, senators moved ahead with separate proposals to limit where medication-induced abortions can be performed and to toughen records storage requirements for abortion providers.

One bill by Republican Rep. Frank Hoffmann would require medication abortions—administered through pills that induce miscarriage at early stages of pregnancy—to be handled solely at Louisiana's three licensed abortion clinics, said Ellie Schilling, a New Orleans attorney who represents those clinics.

Another piece of legislation from Republican Rep. Raymond Crews would lengthen the time that

abortion clinics and doctors who perform the procedure must retain patient records, with detailed requirements and hefty penalties for violations.

The Senate Health and Welfare Committee backed both measures without objection, sending them to the Senate floor for debate. The House already has approved the proposals.

In Alabama, lawmakers gave final approval Tuesday to the nation's most restrictive [abortion](#) proposal, which would make performing abortions a felony at any stage of pregnancy with almost no exceptions. The state's governor will now decide whether to sign it into law, which opponents say would draw an immediate legal challenge.

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