

Restricting Abortion: Louisiana¹

In far too many places throughout this country, it has become extremely difficult for women to safely and legally end a pregnancy. In too many states, politicians have enacted laws that single out the provision of abortion services for restrictions that are more burdensome than those imposed on medically comparable procedures, do not significantly advance women's health or the safety of abortion services, and make abortion services more difficult to access. It's time for politicians to stop interfering with women's personal decision-making. We need a federal law that puts women's health, safety, and rights first. The Women's Health Protection Act does just that.

In Louisiana, the following restrictions are among those that would be unlawful under the Women's Health Protection Act once enacted:

) **REQUIREMENT** that abortion providers have admitting privileges at a local hospital, a medically unnecessary requirement that is designed to prevent qualified, experienced physicians from providing care to their patients.²

) **REQUIREMENT** that clinics meet structural and other regulatory standards unrelated to patient safety.³

) **BANS** the use of telemedicine to provide medication abortion, reducing the potential for access to safe, nonsurgical abortion services and eliminating an important way to provide access to many low-income and rural women.⁴

"Every day, I have patients calling, literally crying. They say, 'I don't even know where to go.'...It makes me want to cry... I have to make sure we continue because I don't want to fade off and let the government continue what they're doing. I don't think it's right."

- Maria Couvas, owner of Midtown Medical, a New Orleans medical clinic forced to close in April, 2013 after a years-long attack by anti-choice legislators

-) **REQUIREMENT** that providers who perform medication abortion procedures be licensed physicians,⁵ despite recommendations from the World Health Organization that other highly qualified health care providers can safely provide medication abortion.⁶
-) **BAN** on abortion after 20 weeks of pregnancy (an unconstitutional pre-viability ban) with unconstitutionally narrow exceptions for when the life or health of a woman is endangered.⁷
-) **REQUIREMENT** that prior to providing an abortion the provider perform an ultrasound and simultaneously place the image in the woman's line of sight and provide a verbal description of the image, irrespective of the woman's circumstances, her wishes, and the provider's medical judgment and ethical obligations.⁸
-) **REQUIREMENT** that forces a woman to wait at least 72 hours and make two separate trips to a provider before she can obtain an abortion.⁹
-) **PRE-VIABILITY BAN** on a safe and common method to end a pregnancy in the second trimester.¹⁰
-) **REQUIREMENT** that embryonic and fetal tissue from abortions be buried or cremated, a requirement that is not imposed on medically comparable procedures. This requirement is imposed regardless of a woman's wishes, regardless of the affordability of these services, and regardless of the willingness of third parties to contractually provide these services.¹¹
-) **BAN** on abortions based on genetic anomaly after 20 weeks, allowing the state to police women's reasons for ending a pregnancy and intended to politicize the lives of people with disabilities without taking steps to combat deeply rooted structural discrimination against individuals based on their abilities.¹²

(Endnotes)

- ¹ The restrictions highlighted herein are examples of the types of restrictions that the **Women's Health Protection Act** seeks to invalidate. This fact sheet is not intended as a comprehensive guide to abortion restrictions in Louisiana.
- ² La. Rev. Stat. Ann. § 40:1299.35.2(A)(2), presumptively unconstitutional under *Whole Woman's Health v. Hellerstedt*, 136 S. Ct. 2292, 2310-13 (2016).
- ³ La. Rev. Stat. Ann. §§ 40:1299.2175.1 *et seq.*
- ⁴ La. Rev. Stat. Ann. § 40:1061.11.
- ⁵ La. Rev. Stat. Ann. § 40:1061.10(A).
- ⁶ See World Health Org., *Safe Abortion: Technical and Policy Guidance for Health Systems* 65 (2d ed. 2012), available at http://apps.who.int/iris/bitstream/10665/70914/1/9789241548434_eng.pdf?ua=1.

THE WOMEN'S HEALTH PROTECTION ACT

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⁷ La. Rev. Stat. Ann. § 40:1061.1.

⁸ La. Rev. Stat. Ann. § 40:1061.10(D).

⁹ La. Rev. Stat. Ann. § 40:1061.10(D)(2).

¹⁰ La. Rev. Stat. Ann. § 40:1061.1.1.

¹¹ La. Rev. Stat. Ann. § 40:1061.25.

¹² La. Rev. Stat. Ann. § 40:1061.1.2(B).