

Office of the Governor
State of Louisiana

JOHN BEL EDWARDS
GOVERNOR



P.O. Box 94004
BATON ROUGE, LOUISIANA 70804-9004
(225) 342-7015
GOV.LA.GOV

June 18, 2022

VIA HAND DELIVERY

Honorable Page Cortez
Louisiana Senate President
Louisiana State Senate
Post Office Box 94183
Baton Rouge, LA 70804

RE: Senate Bill 342 of the 2022 Regular Session

Dear President Cortez:

Please be advised that I have signed Senate Bill 342 of the 2022 Regular Session.

With the impending decision expected to be rendered by the United States Supreme Court later this month in a challenge over the constitutionality of a Mississippi law prohibiting abortion after 15 weeks, Senate Bill 342 has been a major focus of this past legislative session for both pro-life and pro-choice advocates alike. While there has been speculation about the action the Court will take, and confusion about the resulting effects of their decision on our state law, what is clear is that in 2006 the Louisiana Legislature enacted R.S. 40:1061 prohibiting abortion, with the prohibition becoming effective if the United States Supreme Court reverses, in whole or in part, *Roe v. Wade*.

As enacted in 2006, R.S. 40:1061 provides only two exceptions to the ban on abortion: (1) when the licensed physician performs a medical procedure necessary to prevent the death or serious, permanent impairment of a life-sustaining organ of the pregnant woman resulting in the termination of the pregnancy, or (2) when medical treatment is provided to the pregnant woman by a licensed physician that results in an unintentional termination. The 2006 law does not provide an exception for rape or incest, but it does provide that pregnancy and the life of an unborn child begin at fertilization creating confusion on whether or not emergency contraception would be available to victims of rape and incest.

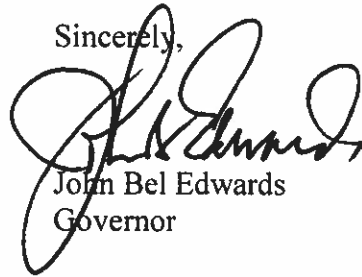
With the enactment of Senate Bill 342, the list of exceptions to the abortion prohibition in R.S. 40:1061 is expanded to include: (1) when a medical procedure is performed with the intent to save the life or preserve the health of an unborn child, (2) when medical procedures are performed after a pregnant woman miscarries, (3) treatment and removal of an ectopic pregnancy, and (4)

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when a medical procedure is performed to remove an unborn child with an irremediable congenital or chromosomal anomaly that is incompatible with sustaining life after birth. Although Senate Bill 342 did not add rape and incest to the two existing exceptions in R.S. 40:1061, it did clarify that pregnancy and the life of an unborn child begin at implantation, rather than at fertilization under the law as enacted in 2006, and clearly allows for emergency contraception to be administered to victims of rape and incest prior to when a pregnancy can be clinically diagnosed.

My position on abortion has been unwavering – I am pro-life and have never hidden from that fact. This does not belie my belief that there should be an exception to the prohibition on abortion for victims of rape and incest. However, vetoing Senate Bill 342 would not accomplish that end. In fact, vetoing Senate Bill 342 would leave fewer exceptions in place than if the bill becomes law and would further confuse whether pregnancy begins at fertilization or implantation. For these reasons, I have signed Senate Bill 342 into law.

Sincerely,

A handwritten signature in black ink, appearing to read "John Bel Edwards", written in a cursive style.

John Bel Edwards
Governor

cc: Honorable Clay Schexnayder
Speaker of the House of Representatives