LOUISIANA

Hostile

If Roe is weakened or overturned:

Louisiana will likely try to prohibit abortion. Louisiana has a trigger ban intended to prohibit abortion in almost all situations if ever legally permissible. And in 2019, Louisiana enacted a six-week ban on abortion that, if allowed to go into effect, could prohibit abortion before many people know they are pregnant.

Restrictions

Louisiana law generally prohibits abortion at twenty weeks post-fertilization and post-viability. Louisiana enacted a six-week and a fifteen-week ban, but they are not in effect. The state prohibits D&amp;X and D&amp;E procedures and abortions after twenty or more weeks post-fertilization sought for reasons of disability. The state is not currently enforcing the D&amp;E and reason bans. Pregnant people who seek abortion care must undergo a mandatory twenty-four-hour waiting period, biased counseling, and an ultrasound. Louisiana also limits public funding for, and private insurance coverage of, abortion. Louisiana law generally requires that a parent, legal guardian, or judge consent to a minor’s abortion.

Louisiana’s targeted regulation of abortion providers (TRAP) laws include requirements related to facilities; admitting privileges, which are enjoined but have forced multiple clinics to close; and reporting. Louisiana law restricts the provision of abortion care to licensed physicians. Providers who violate Louisiana’s abortion restrictions may face civil and criminal penalties.

Protections

Louisiana law does not include express constitutional or statutory protections for abortion. In November 2020, voters will decide whether to amend the state constitution to state that it does not protect the right to abortion.

Laws that could be enforced if Roe v. Wade is limited or overturned

In 2006, Louisiana enacted a trigger ban. Louisiana retains a statute that prohibits abortion, although federal courts have found it repealed by implication and, once the legislature amended and reenacted it, unconstitutional.
Conclusion

If *Roe v. Wade* is limited or overturned, it is likely the state will attempt to enforce its trigger ban to prohibit abortion entirely.
1. LA. STAT. ANN. § 40:1061.1(D)–(G); id. § 40:1061.13.
3. LA. STAT. ANN § 40:1061.1.1; id. § 40:1061.28.
4. Id. § 40:1061.1.2.
5. These restrictions are part of the ongoing challenge, *June Med. Servs., LLC v. Gee*, No. CV 16-444-BAJ-RLB (M.D. La.).
6. LA. STAT. ANN. § 40:1061.16 (Louisiana is currently enforcing a 24-hour waiting period, see *June*, No. CV 16-444-BAJ-RLB); LA. STAT. ANN. § 40:1061.17; id. § 40:1061.10.
7. Id. § 40:1061.6. Rape and incest claims must be reported to law enforcement. See id. § 40:1061.18.
8. LA. STAT. ANN. § 22:1014(B).
10. Id. § 40:1061.14(a)(2).
11. Id. § 40:2175.4.
14. LA. STAT. ANN. § 40:1061.21(C).
15. Id. § 40: 1061.10.
16. See, e.g., id. § 40:1061.29.