



LOUISIANA
RIGHT TO LIFE

THE ABORTION BY FRAUD CRIMINALIZATION ACT

*Sen. Thomas Pressly's SB 276 of the
2024 Louisiana Legislative Session*

I. WHAT MOTIVATED SENATOR PRESSLY TO FILE THIS BILL?

Senator Pressly's sister, Catherine Herring, was the victim of a terrible crime when her former husband ground up the abortion pill Misoprostol and poisoned her water with it in order to kill their unborn baby.

After drinking the water, Catherine realized what happened and, thankfully, with the help of the abortion pill reversal regimen, her daughter was saved, although she was delivered 10 weeks early and has had to receive much therapy.

After the first attempt, the husband attempted to poison her drink six additional times.

Not only were the man's actions despicable, but the fact that a man could get these pills without a prescription is awful in itself.

“In 2022, I endured assault specifically aimed to abort and kill the baby I was carrying. The pills obtained by my husband were clearly not prescribed to him by a doctor.”
– Catherine Herring

II. WHAT DOES SB 276 DO?

Senator Pressly was inspired to take action and introduce SB 276, the Abortion By Fraud Criminalization Act. On May 23rd, the legislation passed the State Senate and is now headed to Governor Jeff Landry for his signature.

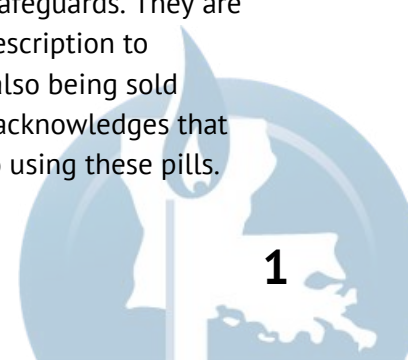
The bill will help accomplish two important goals:

- First, the law creates a new crime to hold accountable those who attempt to poison a pregnant woman against her will with an abortion-inducing drug.
- Second, the law takes steps to stop these pills from getting into the hands of predators and minors by making the abortion pills mifepristone and misoprostol controlled substances.

III. WHY SHOULD THESE PILLS BE ADDED TO THE CONTROLLED SUBSTANCE LIST?

The abortion pills should be controlled because they are being abused and are a risk to public health. The story of what happened to Sen. Pressly's sister is only one example of the abuse.

Right now, there are dozens of websites selling abortion pills daily with little to no safeguards. They are blatantly disregarding FDA regulations and Louisiana law. Pills are sold without a prescription to anyone, including minors, and beyond the gestational limit set by the FDA. Pills are also being sold illegally “on the street” in Louisiana today, all without a doctor’s visit. Even the FDA acknowledges that doctors need to screen women for medical concerns like ectopic pregnancies prior to using these pills.



IV. WHAT HAS THE FEDERAL GOVERNMENT DONE ON THIS?

Joe Biden, Kamala Harris, and the FDA have created the situation that harmed Catherine Herring.

By letting abortion pills be sent through the mail without an in-person doctor's appointment, they have set the stage for the dangerous abuse of these drugs. Since the Federal Government is doing nothing to protect women and minors, Senator Pressly and the Louisiana Legislature have stepped up and taken action to protect Louisiana women and girls.

V. THESE DRUGS ARE NOT ADDICTIVE. CAN THEY BE ADDED TO THE CONTROLLED SUBSTANCE LIST?

Louisiana law (RS 40:962) says that abuse and risk to public health are considerations for the inclusion of a drug in the controlled substance list. Per the Board of Pharmacy, abuse is not predicated on addiction.

“Not all scheduling action involves dependence as is the case with RS 40:962(C) which provides a mechanism for scheduling based on potential for abuse which is not predicated on addiction.”

– M. Joseph Fontenot, Jr., Executive Director of the Louisiana Board of Pharmacy

VI. MISOPROSTOL (CYTOTEC) IS USED FOR LEGITIMATE HEALTHCARE PURPOSES. DOES THIS LAW EFFECT THAT?

Healthcare practitioners use controlled substances daily, even in emergency situations. 95% of physicians in Louisiana have a license to distribute controlled substances.

Louisiana law is clear that if either mifepristone or misoprostol needs to be used for a legitimate purpose other than elective abortion, it is legal.

If a woman is in an emergency related to miscarriage, the appropriate response is surgical intervention, which includes the use of controlled substances.

*“From my experience in Northeast Louisiana, medications such as mifepristone and misoprostol are recklessly available online and on the street without a prescription or a physician's exam. Without proper physician screening for ectopic and molar pregnancies, these medications have the potential to be dangerous. For these reasons, I support categorizing both of these medications as controlled substances. **Physicians commonly use controlled substances, and I'm confident that my care for women will not be harmed by this legislation, even as it applies to the appropriate use of misoprostol in my practice.**”*

- Dr. Amber Shemwell, an OBGYN from Monroe, LA



VII. WILL A PREGNANT WOMAN NEEDING MISOPROSTOL (CYTOTEC) FOR THE INDUCTION OF LABOR NEED TO DEMONSTRATE THAT HER LIFE IS AT RISK BEFORE BEING ADMINISTERED THE DRUG?

No. The use of misoprostol to induce labor is a legitimate purpose, and the normal induction of labor is not an abortion under Louisiana law. Inducing labor with the intent of causing the death of an unborn child is already prohibited in Louisiana unless it is done for the purpose of saving the mother's life. This is true whether misoprostol is used or not.

*"This week, I saw a minor girl after she ordered abortion pills online. This is dangerous because there is no appropriate screening for health risks such as ectopic pregnancies. If a woman presents herself in an emergency and is bleeding, surgical intervention is necessary rather than medication such as Misoprostol. **It is my opinion that placing the abortion pills in the controlled substance list will not result in a delay of care in emergencies.** Healthcare providers are used to handling controlled substances on a regular basis. Rather, it will take important steps to stop a dangerous industry that threatens the health of women."*

- Dr. John Voltz, an OBGYN from Lafayette, LA

VIII. WILL PREGNANT WOMEN BE CRIMINALIZED UNDER THIS NEW LAW?

No. The law states that it is not a violation of the law "for a pregnant woman to possess mifepristone or misoprostol for her own consumption."

IX. IS IT ALREADY ILLEGAL TO HAVE A PRESCRIPTION DRUG WITHOUT A PRESCRIPTION?

It is already illegal for a person to possess any prescription drug without a valid prescription. SB 276 strengthens this law in hopes of stopping the abuse of the pills that led to the damage done to Catherine Herring and her daughter.

X. WILL DOCTORS HAVE TIME TO PREPARE FOR THIS CHANGE?

SB 276 will not go into effect until October 1, giving ample time for healthcare providers to prepare for the change.

SB 276 also directs the Louisiana Department of Health and the Board of Pharmacy to inform healthcare providers and pharmacists that they can still prescribe, administer, and fill prescriptions for misoprostol and mifepristone for legitimate medical purposes other than elective abortion.





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FAQ PRODUCED BY LOUISIANA RIGHT TO LIFE
www.ProLifeLouisiana.org/sb276