Anti-abortion law would make IUDs illegal, official says

An assistant state attorney general says Louisiana's new anti-abortion law would make it illegal to use contraceptives known as intrauterine devices.

The IUD, a bent piece of plastic or metal, is implanted by a physician in the uterus to prevent a fertilized ovum from attaching to the uterine wall.

Because its action follows conception, the device is by definition an instrument that terminates pregnancy.

Its use, therefore, would be illegal under the law passed Sunday and awaiting action by Gov. Buddy Roemer, Assistant Attorney General Jennifer Schaye said Wednesday.

The IUD is employed by about 3 percent of American women as a means of contraception. Its use fell dramatically after one such device, the Dalkon Shield, was implicated in uterine infections and other injuries to women who used it.

Schaye also said that rape and incest provisions included in the law to make it more acceptable to Roemer wouldn't allow victims of the crime of simple rape to have an abortion.

The law permits an abortion for a woman made pregnant by aggravated or forcible rape, as long as she undergoes medical treatment, including pregnancy prevention, and reports the rape to law enforcement authorities within a week after the attack.

Aggravated and forcible rapes are those most often associated with the image of violent rape - assaults committed by armed or threatening men. Aggravated rape also applies to children under 12 regardless of the circumstances of the assault.

The new law would not permit abortion in cases of simple rape, which Louisiana law defines as sex when a woman can't resist or understand what is happening, as when intoxicated or mentally impaired.

The law also rules out an abortion for anyone 12 or older who becomes pregnant as a result of consensual sex, Schaye said.

The maximum penalty for performing an abortion would be 10 years of imprisonment at hard labor and a $100,000 fine. Officials have said this penalty would be imposed on those who perform abortions, but not on women undergoing the procedure.

Roemer may veto the law. If he does, the Legislature would have to use a mail ballot to call itself back for a "veto session." Then, in session, the House and Senate each would have to approve a motion to override with a two-thirds vote.

A Roemer aide Wednesday said the governor had no comment about the bill. Lawmakers who sponsored the legislation could not be reached for comment.

If the bill becomes law, the American Civil Liberties Union has promised to fight it in court and get an injunction to keep the statute from being enforced during the court battle.