Abortion regulations similar to La. statutes

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Abortion regulations ruling upon Wednesday by the U.S. Supreme Court are similar in several respects to Louisiana statutes.

A suit attacking Louisiana's abortion laws, filed for "Margaret S." by the American Civil Liberties Union, has been under advisement for several months by U.S. District Judge Robert Collins of New Orleans.

Attorney General William Guste declined comment on the Supreme Court decisions because he has not seen the opinions and because of the pending case involving the Louisiana statutes.

The U.S. Supreme Court, in three separate decisions involving regulations in Virginia, Missouri and Akron, Ohio, struck down requirements that abortions for women more than three months pregnant be performed in hospitals.

Louisiana has such a requirement. However, the Supreme Court, in the Missouri case, let stand portions of that state's laws requiring the presence of a second physician during abortions for women in their last three months of pregnancy and requiring minors to get the consent of a parent or judge before obtaining an abortion.

Louisiana law provides: "No physician shall perform or induce an abortion after the time when the unborn child, in the best medical judgment of the attending physician, is viable unless the operation is necessary to prevent the death or to preserve the health of the mother."

The law requires the doctor to certify the medical reasons why such an abortion after viability is necessary and the probable health consequences if the abortion is not performed.

"Each physician who performs or induces an abortion after viability shall utilize the available method or technique most likely to preserve the life and health of the mother. If the physician has a choice of methods or techniques consistent with this priority, he shall preserve the life and health of the unborn child," Louisiana's law requires.

Like the law upheld Wednesday, Louisiana requires the presence of a second physician.

The statute provides: "An abortion after viability shall be performed or induced only when there is in attendance a physician other than the physician performing or inducing the abortion, who shall take control of and provide immediate medical care for the child as the result of the abortion."

The law further provides that this second physician "shall take all reasonable steps to preserve the life and health of the unborn child or the child which are in keeping with good medical practice and which are consistent with the procedures used and the primary objective of preserving the life and health of the mother."

Insofar as minors, the Louisiana law provides that no physician shall perform or induce an abortion on a woman under the age of 18 who is not emancipated or married unless the physician has received either a court order or a notarized statement signed by the mother, father, legal guardian or tutor declaring that he or she has been informed of the intended abortion and that he or she consents to the abortion.

The Supreme Court struck down as an unconstitutional infringement on a woman's right to privacy any regulation requiring doctors to tell women seeking abortions about possible alternatives and to tell patients that the fetus is "a human life."

The Louisiana law on "informed consent" for abortions provides that the doctor must tell the woman about "the anatomical and physiological development of the particular unborn child."

In addition, the doctor is to inform the woman of his medical judgment as to whether the unborn child is capable of living outside the womb or is not capable of living outside the womb.

He is also to advise her that "numerous public and private agencies and services are available to assist her during pregnancy and after the birth of her child, if she chooses not to have the abortion, whether she wishes to keep her child or place him or her for adoption, and that her physician will provide her with a list of such agencies and services."