

Effective 9/1/2021

Superseded 5/3/2023

76-7-301 Definitions.

As used in this part:

- (1)
 - (a) "Abortion" means:
 - (i) the intentional termination or attempted termination of human pregnancy after implantation of a fertilized ovum through a medical procedure carried out by a physician or through a substance used under the direction of a physician;
 - (ii) the intentional killing or attempted killing of a live unborn child through a medical procedure carried out by a physician or through a substance used under the direction of a physician; or
 - (iii) the intentional causing or attempted causing of a miscarriage through a medical procedure carried out by a physician or through a substance used under the direction of a physician.
 - (b) "Abortion" does not include:
 - (i) removal of a dead unborn child;
 - (ii) removal of an ectopic pregnancy; or
 - (iii) the killing or attempted killing of an unborn child without the consent of the pregnant woman, unless:
 - (A) the killing or attempted killing is done through a medical procedure carried out by a physician or through a substance used under the direction of a physician; and
 - (B) the physician is unable to obtain the consent due to a medical emergency.
- (2) "Abortion clinic" means the same as that term is defined in Section 26-21-2.
- (3) "Abuse" means the same as that term is defined in Section 80-1-102.
- (4) "Department" means the Department of Health.
- (5) "Down syndrome" means a genetic condition associated with an extra chromosome 21, in whole or in part, or an effective trisomy for chromosome 21.
- (6) "Gestational age" means the age of an unborn child as calculated from the first day of the last menstrual period of the pregnant woman.
- (7) "Hospital" means:
 - (a) a general hospital licensed by the department according to Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act; and
 - (b) a clinic or other medical facility to the extent that such clinic or other medical facility is certified by the department as providing equipment and personnel sufficient in quantity and quality to provide the same degree of safety to the pregnant woman and the unborn child as would be provided for the particular medical procedures undertaken by a general hospital licensed by the department.
- (8) "Information module" means the pregnancy termination information module prepared by the department.
- (9) "Medical emergency" means that condition which, on the basis of the physician's good faith clinical judgment, so threatens the life of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death, or for which a delay will create serious risk of substantial and irreversible impairment of major bodily function.
- (10) "Minor" means an individual who is:
 - (a) under 18 years old;
 - (b) unmarried; and
 - (c) not emancipated.
- (11)
 - (a) "Partial birth abortion" means an abortion in which the person performing the abortion:

- (i) deliberately and intentionally vaginally delivers a living fetus until, in the case of a head first presentation, the entire fetal head is outside the body of the mother, or, in the case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus; and
 - (ii) performs the overt act, other than completion of delivery, that kills the partially living fetus.
- (b) "Partial birth abortion" does not include the dilation and evacuation procedure involving dismemberment prior to removal, the suction curettage procedure, or the suction aspiration procedure for abortion.
- (12) "Physician" means:
 - (a) a medical doctor licensed to practice medicine and surgery under Title 58, Chapter 67, Utah Medical Practice Act;
 - (b) an osteopathic physician licensed to practice osteopathic medicine under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
 - (c) a physician employed by the federal government who has qualifications similar to a person described in Subsection (12)(a) or (b).
- (13)
 - (a) "Severe brain abnormality" means a malformation or defect that causes an individual to live in a mentally vegetative state.
 - (b) "Severe brain abnormality" does not include:
 - (i) Down syndrome;
 - (ii) spina bifida;
 - (iii) cerebral palsy; or
 - (iv) any other malformation, defect, or condition that does not cause an individual to live in a mentally vegetative state.