

**Effective 3/14/2024**

**76-7-301 Definitions.**

As used in this part:

- (1)
  - (a) "Abortion" means the act, by a physician, of using an instrument, or prescribing a drug, with the intent to cause the death of an unborn child of a woman known to be pregnant, except as permitted under this part.
  - (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 26B-2-201.
- (3) "Abuse" means the same as that term is defined in Section 80-1-102.
- (4) "Department" means the Department of Health and Human Services.
- (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 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection; 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 a life threatening physical condition aggravated by, caused by, or arising from a pregnancy that places the pregnant woman at risk of death, or poses a serious risk of substantial impairment of a major bodily function, unless the abortion is performed or induced.
- (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) "Perinatal hospice" means comprehensive support to the mother and her family from the time of the diagnosis of a lethal fetal anomaly, through the time of the child's birth, and through the postpartum period, that:
  - (a) focuses on alleviating fear and ensuring that the woman and her family experience the life and death of a child in a comfortable and supportive environment; and
  - (b) may include counseling or medical care by:
    - (i) maternal-fetal medical specialists;
    - (ii) obstetricians;
    - (iii) neonatologists;
    - (iv) anesthesia specialists;
    - (v) psychiatrists, psychologists, or other mental health providers;
    - (vi) clergy;
    - (vii) social workers; or
    - (viii) specialty nurses.
- (13) "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 an individual described in Subsection (13)(a) or (b).
- (14)
  - (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.