

Effective 5/10/2016

76-7-308.5 Administration of anesthetic or analgesic to an unborn child.

A physician who performs an abortion of an unborn child who is at least 20 weeks gestational age shall administer an anesthetic or analgesic to eliminate or alleviate organic pain to the unborn child caused by the particular method of abortion to be employed, unless:

- (1) the abortion is necessary to avert:
 - (a) the death of the woman on whom the abortion is performed; or
 - (b) a serious risk of substantial and irreversible impairment of a major bodily function of the woman on whom the abortion is performed;
- (2) the abortion is performed because the fetus has a defect that is uniformly diagnosable and uniformly lethal, based on the written concurrence of two physicians who practice maternal fetal medicine; or
- (3) the treating physician and one other physician concur, in writing, that the administration of an anesthetic or analgesic would:
 - (a) cause the death of the woman on whom the abortion is performed; or
 - (b) create a serious risk of substantial or irreversible impairment of a major bodily function of the woman on whom the abortion is performed.

Amended by Chapter 362, 2016 General Session