

(Contingently Effective)

76-7a-201 Abortion prohibition -- Exceptions -- Penalties.

- (1) An abortion may be performed in this state only under the following circumstances:
 - (a) the abortion is necessary to avert:
 - (i) the death of the woman on whom the abortion is performed; or
 - (ii) a serious risk of substantial and irreversible impairment of a major bodily function of the woman on whom the abortion is performed;
 - (b) two physicians who practice maternal fetal medicine concur, in writing, in the patient's medical record that the fetus:
 - (i) has a defect that is uniformly diagnosable and uniformly lethal; or
 - (ii) has a severe brain abnormality that is uniformly diagnosable; or
 - (c)
 - (i) the woman is pregnant as a result of:
 - (A) rape;
 - (B) rape of a child; or
 - (C) incest; and
 - (ii) before the abortion is performed, the physician who performs the abortion:
 - (A) verifies that the incident described in Subsection (1)(c)(i) has been reported to law enforcement; and
 - (B) if applicable, complies with requirements related to reporting suspicions of or known child abuse.
- (2) An abortion may be performed only:
 - (a) by a physician; and
 - (b) in an abortion clinic or a hospital, unless it is necessary to perform the abortion in another location due to a medical emergency.
- (3) A person who performs an abortion in violation of this section is guilty of a second degree felony.
- (4) In addition to the penalty described in Subsection (3), the department may take appropriate corrective action against an abortion clinic, including revoking the abortion clinic's license, if a violation of this chapter occurs at the abortion clinic.
- (5) The department shall report a physician's violation of any provision of this section to the state entity that regulates the licensing of a physician.

Enacted by Chapter 279, 2020 General Session