

Effective 3/14/2024

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 physical risk of substantial impairment of a major bodily function of the woman on whom the abortion is performed;
 - (b) subject to Subsection (3), two physicians who practice maternal fetal medicine concur, in writing, in the patient's medical record that the fetus has a fetal abnormality that in the physicians' reasonable medical judgment is incompatible with life; or
 - (c) the unborn child has not reached 18 weeks gestational age and:
 - (i)
 - (A) the woman is pregnant as a result of:
 - (I) rape, as described in Section 76-5-402;
 - (II) rape of a child, as described in Section 76-5-402.1; or
 - (III) incest, as described in Subsection 76-5-406(2)(j) or Section 76-7-102; or
 - (B) the pregnant child is under the age of 14; and
 - (ii) before the abortion is performed, the physician who performs the abortion:
 - (A) for an abortion authorized under Subsection (1)(c)(i)(A), verifies that the incident described in Subsection (1)(c)(i)(A) 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) If the unborn child has been diagnosed with a fetal abnormality that is incompatible with life, at the time of the diagnosis, the physician shall inform the woman, both verbally and in writing, that perinatal hospice services and perinatal palliative care are available and are an alternative to abortion.
- (4) A person who performs an abortion in violation of this section is guilty of a second degree felony.
- (5) In addition to the penalty described in Subsection (4), the department may take appropriate corrective action against a health care facility, including revoking the health care facility's license, if a violation of this chapter occurs at the health care facility.
- (6) 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.
- (7) A physician who performs an abortion under Subsection (1)(c) shall:
 - (a) maintain an accurate record as to the manner in which the physician conducted the verification under Subsection (1)(c)(ii)(A); and
 - (b) report the information described in Subsection (7)(a) to the department in accordance with Section 76-7-313.

Amended by Chapter 313, 2024 General Session