

2nd Sub. H.B. 235
ABORTION LAW REVISIONS

Senator **Scott D. McCoy** proposes the following amendments:

1. *Page 1, Lines 10 through 11:*

10 This bill provides for an immediate revision of the portion of the Utah Criminal Code
11 relating to abortion if Roe v. Wade is overturned. **This bill also provides that abortion does not include
contraception.**

2. *Page 1, Line 13:*

13 This bill:
= **▶ defines the term "contraception";**
▶ provides that abortion does not include contraception;

3. *Page 2, Line 32:*

32 Utah Code Sections Affected:
AMENDS:
76-7-301, as last amended by Chapters 90 and 272, Laws of Utah 2004

4. *Page 2, Line 36:*

36 *Be it enacted by the Legislature of the state of Utah:*
= **Section 1. Section 76-7-301 is amended to read:**
76-7-301. Definitions.
As used in this part:
(1) **(a)** "Abortion" means the intentional termination or attempted termination of human pregnancy
after implantation of a fertilized ovum, and includes any and all procedures undertaken to kill a live unborn
child and includes all procedures undertaken to produce a miscarriage.
= **(b)** "Abortion" does not include **;**
= **(i)** removal of a dead unborn child **{-}** **;** **or**
(ii) contraception.
**(2) "Contraception," except as otherwise provided in this part, means the use of any process,
device, or method to prevent pregnancy, including steroidal, chemical, physical or barrier, natural or
permanent methods for preventing the union of an ovum with the spermatozoon or the subsequent
implantation of the fertilized ovum in the uterus.**
{(-2)} **(3)** "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.

~~{(3)}~~ (4) (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.

~~{(4)}~~ (5) "Physician" means a medical doctor licensed to practice medicine and surgery under Title 58, Chapter 67, Utah Medical Practice Act, a physician in the employment of the government of the United States who is similarly qualified, or an osteopathic physician licensed to practice osteopathic medicine under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

~~{(5)}~~ (6) "Hospital" means a general hospital licensed by the Department of Health according to Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act, and includes a clinic or other medical facility to the extent that such clinic or other medical facility provides 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 of Health. It shall be the responsibility of the Department of Health to determine if such clinic or other medical facility so qualifies and to so certify.

Renumber remaining sections accordingly.