



# House of Representatives *State of Utah*

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January 30, 2009

Mr. Speaker:

The Health and Human Services Committee recommends **H.B. 90**, CRIMINAL HOMICIDE ABORTION, by Representative P. Ray, be replaced and reports a favorable recommendation on **1st Sub. H.B. 90**, ABORTION LAW AMENDMENTS with the following amendments:

1. *Page 1, Lines 14 through 22:*

▶ defines the term "viable":

- 14 ▶ provides that an abortion may only be performed in this state if:
- 15 • the unborn child is not viable {~~to survive outside the mother's~~  
womb} ; or
- 16 • the unborn child is viable {~~to survive outside the mother's womb~~} ,  
if the abortion
- 17 is necessary to avert the death of the woman on whom the abortion is
- 18 performed, the abortion is necessary to avert a serious risk of substantial and
- 19 irreversible impairment of a major bodily function of the woman, or {~~the~~  
20 ~~abortion is performed, under certain circumstances, on an unborn child who has~~  
21 ~~a naturally occurring medical condition that makes it highly unlikely that the~~  
22 ~~child will survive more than 24 hours after birth~~} two physicians who practice  
maternal fetal medicine concur, in writing, that the fetus has a defect that is  
uniformly diagnosable and uniformly lethal ;

2. *Page 2, Line 47:*

(1) As used in this section, "viable" means that the unborn child has reached a stage of fetal development when the unborn child is potentially able to live outside the womb by natural or artificial life-supportive systems, as determined by the attending physician to a reasonable degree of medical certainty.

- 47 {~~(1)~~} (2) An abortion may be performed in this state only by a physician  
licensed to practice

3. *Page 2, Line 52:*

- 52 {~~(2)~~} (3) An abortion may be performed in this state only under the  
following circumstances:

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4. Page 3, Lines 71 through 72:

- 71 (a) the unborn child is not viable { ~~to survive outside the mother's womb~~ } ; or  
72 (b) the unborn child is viable { ~~to survive outside the mother's womb~~ } , if:

5. Page 3, Lines 77 through 86:

- 77 { ~~(ii)(A) the abortion is performed on an unborn child who has a naturally~~  
78 ~~occurring~~  
79 ~~medical condition that makes it highly unlikely that the child will survive more than~~  
80 ~~24 hours~~  
79 ~~after birth; and~~  
80 ~~—(B) there is not a medically acceptable intervention or procedure that:~~  
81 ~~—(I) may be performed before or after the child's birth;~~  
82 ~~—(II) may be performed without risk to the health of the woman on whom the~~  
83 ~~abortion is~~  
84 ~~performed; and~~  
85 ~~—(III) has a reasonable chance of extending the child's life beyond 24 hours. }~~  
86 (ii) two physicians who practice maternal fetal medicine concur, in writing, in  
the patient's medical record that the fetus has a defect that is uniformly diagnosable  
and uniformly lethal.  
85 { ~~(3)~~ } (4) Notwithstanding any other provision of this section, a woman who  
86 seeks to have, or  
obtains, an abortion for herself is not criminally liable.

6. Page 4, Line 105:

- 105 Subsection 76-7-302 { ~~(2)~~ } (3) .

Respectfully,

Paul Ray  
Committee Chair

Voting: 6-1-0

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