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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-7a-101** is enacted to read:

CHAPTER 7a. ABORTION PROHIBITION

76-7a-101. Definitions.

As used in this ~~§~~ → [section] chapter ← ~~§~~ :

(1) (a) "Abortion" means:

(i) the intentional termination or attempted termination of human pregnancy after implantation of a fertilized ovum through a medical procedure carried out by a physician or through a substance used under the direction of a physician;

(ii) the intentional killing or attempted killing of a live unborn child through a medical procedure carried out by a physician or through a substance used under the direction of a physician; or

(iii) the intentional causing or attempted causing of a miscarriage through a medical procedure carried out by a physician or through a substance used under the direction of a physician.

(b) "Abortion" does not include:

(i) removal of a dead unborn child;

(ii) removal of an ectopic pregnancy; or

(iii) the killing or attempted killing of an unborn child without the consent of the pregnant woman, unless:

(A) the killing or attempted killing is done through a medical procedure carried out by a physician or through a substance used under the direction of a physician; and

(B) the physician is unable to obtain the consent due to a medical emergency.

(2) "Abortion clinic" means a type I abortion clinic licensed by the state or a type II abortion clinic licensed by the state.

(3) "Department" means the Department of Health.

(4) "Down syndrome" means a genetic condition associated with an extra chromosome 21, in whole or in part, or an effective trisomy for chromosome 21.

(5) "Hospital" means:

(a) a general hospital licensed by the department; or

90 (ii) a serious risk of substantial and irreversible impairment of a major bodily function
91 of the woman on whom the abortion is performed;

92 (b) two physicians who practice maternal fetal medicine concur, in writing, in the
93 patient's medical record that the fetus:

94 (i) has a defect that is uniformly diagnosable and uniformly lethal; or

95 (ii) has a severe brain abnormality that is uniformly diagnosable; or

96 (c) (i) the woman is pregnant as a result of:

97 (A) rape;

98 (B) rape of a child; or

99 (C) incest; and

100 (ii) before the abortion is performed, the physician who performs the abortion:

101 (A) verifies that the incident described in Subsection (1)(c)(i) has been reported to law
102 enforcement; and

103 (B) if applicable, complies with requirements related to reporting suspicions of or
104 known child abuse.

105 (2) An abortion may be performed only:

106 (a) by a physician; and

107 (b) in an abortion clinic or a hospital, unless it is necessary to perform the abortion in
108 another location due to a medical emergency.

109 (3) A person who ~~§~~→ **[violates]** performs an abortion in violation of ~~←~~§ this section is
109a guilty of a second degree felony.

110 (4) In addition to the penalty described in Subsection (3), the department may take
111 appropriate corrective action against an abortion clinic, including revoking the abortion clinic's
112 license, if a violation of this chapter occurs at the abortion clinic.

113 (5) The department shall report a physician's violation of any provision of this section
114 to the state entity that regulates the licensing of a physician.

115 Section 3. Section **76-7a-301** is enacted to read:

Part 3. Superseding Clause

117 **76-7a-301. Superseding clause.**

118 If, at the time this chapter takes effect, any provision in the Utah Code conflicts with a
119 provision of this chapter, the provision of this chapter supersedes the conflicting provision.

120 Section 4. **Contingent effective date.**