

862 (i) (A) the woman is pregnant as a result of:
 863 (I) rape, as described in Section 76-5-402;
 864 (II) rape of a child, as described in Section 76-5-402.1; or
 865 (III) incest, as described in Subsection 76-5-406(2)(j) or Section 76-7-102; ~~[and]~~ or
 866 (B) the pregnant ~~§~~ → [woman] child ← § is under the age of 14; and
 867 ~~[(B)]~~ (ii) before the abortion is performed, the physician who performs the abortion:
 868 ~~[(H)]~~ (A) for an abortion authorized under Subsection (2)(c)(i)(A), verifies that the
 869 incident described in Subsection ~~[(3)(b)(iii)(A)]~~ (2)(c)(i)(A) has been reported to law
 870 enforcement; and
 871 ~~[(H)]~~ (B) if applicable, complies with the requirements of Section 80-2-602.
 872 ~~[(4)]~~ (3) An abortion may be performed only in ~~[an abortion clinic or]~~ a hospital, unless
 873 it is necessary to perform the abortion in another location due to a medical emergency.
 874 (4) If the unborn child has been diagnosed with a fetal abnormality that is incompatible
 875 with life, at the time of the diagnosis, the physician shall inform the woman, both verbally and
 876 in writing, that perinatal hospice and perinatal palliative care services are available and are an
 877 alternative to abortion.

878 Section 18. Section **76-7-302.4** is amended to read:

879 **76-7-302.4. Abortion restriction of an unborn child with Down syndrome.**

880 Notwithstanding any other provision of this part, an abortion may not be performed if
 881 the pregnant mother's sole reason for the abortion is that the unborn child has or may have
 882 Down syndrome, unless the abortion is permissible for a reason described in ~~[Subsection~~
 883 ~~76-7-302(3)(b)]~~ Section 76-7-302.

884 Section 19. Section **76-7-304** is amended to read:

885 **76-7-304. Considerations by physician -- Notice to a parent or guardian --**

886 **Exceptions.**

887 (1) To enable the physician to exercise the physician's best medical judgment, the
 888 physician shall consider all factors relevant to the well-being of a pregnant woman upon whom
 889 an abortion is to be performed, including:

- 890 (a) her physical, emotional, and psychological health and safety;
- 891 (b) her age; and
- 892 (c) her familial situation.

1079 (a) the physician can demonstrate by a preponderance of the evidence that the
1080 physician reasonably believed that furnishing the information would have resulted in a severely
1081 adverse effect on the physical or mental health of the pregnant woman;

1082 (b) in the physician's professional judgment, the abortion was necessary to avert:

1083 (i) the death of the woman on whom the abortion is performed; or

1084 (ii) a ~~[serious risk of substantial and irreversible impairment of a major bodily function~~
1085 ~~of the woman on whom the abortion is performed]~~ risk described in Subsection
1086 76-7-302(2)(b)(i)(B);

1087 (c) the pregnancy was the result of rape or rape of a child, as described in Sections
1088 76-5-402 and 76-5-402.1;

1089 (d) the pregnancy was the result of incest, as defined in Subsection 76-5-406(2)(j) and
1090 Section 76-7-102; or

1091 (e) at the time of the abortion, the pregnant ~~Œ~~→ [woman] child ←~~Œ~~ was 14 years old or
1091a younger.

1092 (9) A physician who complies with the provisions of this section and Section
1093 76-7-304.5 may not be held civilly liable to the physician's patient for failure to obtain
1094 informed consent under Section 78B-3-406.

1095 (10) (a) The department shall provide an ultrasound, in accordance with the provisions
1096 of Subsection (5)(b), at no expense to the pregnant woman.

1097 (b) A local health department shall refer a pregnant woman who requests an ultrasound
1098 described in Subsection (10)(a) to the department.

1099 (11) A physician is not guilty of violating this section if:

1100 (a) the information described in Subsection (2) is provided less than 72 hours before
1101 the physician performs the abortion; and

1102 (b) in the physician's professional judgment, the abortion was necessary in a case
1103 where:

1104 (i) a ruptured membrane, documented by the attending or referring physician, will
1105 cause a serious infection; or

1106 (ii) a serious infection, documented by the attending or referring physician, will cause a
1107 ruptured membrane.

1108 Section 22. Section **76-7-305.5** is amended to read:

1109 **76-7-305.5. Requirements for information module and website.**

1327 **76-7a-101. Definitions.**

1328 As used in this chapter:

1329 (1) (a) "Abortion" means~~[:]~~ the act, by a physician, of using an instrument, or
1330 prescribing a drug, with the intent to cause the death of an unborn child of a woman known to
1331 be pregnant, except as permitted under this chapter.

1332 ~~[(i) the intentional termination or attempted termination of human pregnancy after~~
1333 ~~implantation of a fertilized ovum through a medical procedure carried out by a physician or~~
1334 ~~through a substance used under the direction of a physician;]~~

1335 ~~[(ii) the intentional killing or attempted killing of a live unborn child through a medical~~
1336 ~~procedure carried out by a physician or through a substance used under the direction of a~~
1337 ~~physician; or]~~

1338 ~~[(iii) the intentional causing or attempted causing of a miscarriage through a medical~~
1339 ~~procedure carried out by a physician or through a substance used under the direction of a~~
1340 ~~physician.]~~

1341 (b) "Abortion" does not include:

1342 (i) removal of a dead unborn child;

1343 (ii) removal of an ectopic pregnancy; or

1344 (iii) the killing or attempted killing of an unborn child without the consent of the
1345 pregnant woman, unless:

1346 (A) the killing or attempted killing is done through a medical procedure carried out by
1347 a physician or through a substance used under the direction of a physician; and

1348 (B) the physician is unable to obtain the consent due to a medical emergency.

1349 ~~[(2) "Abortion clinic" means a type I abortion clinic licensed by the state or a type II~~
1350 ~~abortion clinic licensed by the state.]~~

1351 ~~[(3)]~~ (2) "Department" means the Department of Health and Human Services.

1352 ~~[(4)]~~ (3) "Down syndrome" means a genetic condition associated with an extra
1353 chromosome 21, in whole or in part, or an effective trisomy for chromosome 21.

1354 ~~[(5)]~~ (4) "Hospital" means:

1355 (a) a general hospital licensed by the department; ~~§→~~ [or] and ~~←§~~

1356 (b) a clinic or other medical facility ~~[to the extent the clinic or other medical facility is~~
1357 ~~certified by the department as providing equipment and personnel sufficient in quantity and~~

1420 (B) the pregnant ~~§~~→ [woman] child ←~~§~~ is under the age of 14; and

1421 (ii) before the abortion is performed, the physician who performs the abortion:

1422 (A) for an abortion authorized under Subsection (1)(c)(i)(A), verifies that the incident

1423 described in Subsection ~~[(1)(c)(i)] (1)(c)(i)(A) has been reported to law enforcement; and~~

1424 (B) if applicable, complies with requirements related to reporting suspicions of or

1425 known child abuse.

1426 (2) An abortion may be performed only:

1427 (a) by a physician; and

1428 (b) in ~~[an abortion clinic or]~~ a hospital, unless it is necessary to perform the abortion in

1429 another location due to a medical emergency.

1430 (3) If the unborn child has been diagnosed with a fetal abnormality that is incompatible

1431 with life, at the time of the diagnosis, the physician shall inform the woman, both verbally and

1432 in writing, that perinatal hospice services and perinatal palliative care are available and are an

1433 alternative to abortion.

1434 ~~[(3)]~~ (4) A person who performs an abortion in violation of this section is guilty of a

1435 second degree felony.

1436 ~~[(4)]~~ (5) In addition to the penalty described in Subsection ~~[(3)]~~ (4), the department

1437 may take appropriate corrective action against ~~[an abortion clinic]~~ a health care facility,

1438 including revoking the ~~[abortion clinic's]~~ health care facility's license, if a violation of this

1439 chapter occurs at the ~~[abortion clinic]~~ health care facility.

1440 ~~[(5)]~~ (6) The department shall report a physician's violation of any provision of this

1441 section to the state entity that regulates the licensing of a physician.

1442 Section 30. **Repealer.**

1443 This bill repeals:

1444 Section **76-7-302.5, Circumstances under which abortion prohibited.**