

ABORTION AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kathleen A. Riebe

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to physician reporting requirements in connection with providing an abortion.

Highlighted Provisions:

This bill:

► removes a provision requiring a physician to verify a report has been made to law enforcement before the physician performs an abortion on a woman who is pregnant as a result of rape or incest.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-7-302, as last amended by Laws of Utah 2022, Chapter 335

76-7a-201, as enacted by Laws of Utah 2020, Chapter 279

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

Section 1. Section **76-7-302** is amended to read:

76-7-302. Circumstances under which abortion authorized.



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

31 (2) An abortion may be performed in this state only by a physician.

32 (3) An abortion may be performed in this state only under the following circumstances:

33 (a) the unborn child is not viable; or

34 (b) the unborn child is viable, if:

35 (i) the abortion is necessary to avert:

36 (A) the death of the woman on whom the abortion is performed; or

37 (B) a serious risk of substantial and irreversible impairment of a major bodily function
 38 of the woman on whom the abortion is performed;

39 (ii) two physicians who practice maternal fetal medicine concur, in writing, in the
 40 patient's medical record that the fetus:

41 (A) has a defect that is uniformly diagnosable and uniformly lethal; or

42 (B) has a severe brain abnormality that is uniformly diagnosable; or

43 (iii) (A) the woman is pregnant as a result of:

44 (I) rape, as described in Section 76-5-402;

45 (II) rape of a child, as described in Section 76-5-402.1; or

46 (III) incest, as described in Subsection 76-5-406(2)(j) or Section 76-7-102; and

47 (B) if applicable, before the abortion is performed, the physician who performs the
 48 abortion[: (I) ~~verifies that the incident described in Subsection (3)(b)(iii)(A) has been reported~~
 49 ~~to law enforcement; and (II)] complies with [the] requirements [of] related to reporting child
 50 abuse or neglect under Section 80-2-602.~~

51 (4) An abortion may be performed only in an abortion clinic or a hospital, unless it is
 52 necessary to perform the abortion in another location due to a medical emergency.

53 Section 2. Section 76-7a-201 is amended to read:

54 **76-7a-201. Abortion prohibition -- Exceptions -- Penalties.**

55 (1) An abortion may be performed in this state only under the following circumstances:

56 (a) the abortion is necessary to avert:

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

58 (ii) a serious risk of substantial and irreversible impairment of a major bodily function

59 of the woman on whom the abortion is performed;

60 (b) two physicians who practice maternal fetal medicine concur, in writing, in the

61 patient's medical record that the fetus:

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

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

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

65 (A) rape;

66 (B) rape of a child; or

67 (C) incest; and

68 (ii) if applicable, before the abortion is performed, the physician who performs the

69 abortion[: ~~(A) verifies that the incident described in Subsection (1)(c)(i) has been reported to~~

70 ~~law enforcement; and (B) if applicable;~~] complies with requirements related to reporting

71 ~~[suspicions of or known child abuse]~~ child abuse or neglect under [80-2-602](#).

72 (2) An abortion may be performed only:

73 (a) by a physician; and

74 (b) in an abortion clinic or a hospital, unless it is necessary to perform the abortion in

75 another location due to a medical emergency.

76 (3) A person who performs an abortion in violation of this section is guilty of a second

77 degree felony.

78 (4) In addition to the penalty described in Subsection (3), the department may take

79 appropriate corrective action against an abortion clinic, including revoking the abortion clinic's

80 license, if a violation of this chapter occurs at the abortion clinic.

81 (5) The department shall report a physician's violation of any provision of this section

82 to the state entity that regulates the licensing of a physician.