

# HB80 INTRODUCED



1 HB80  
2 PAHSGRG-1  
3 By Representative Givan  
4 RFD: Judiciary  
5 First Read: 06-Feb-24  
6 PFD: 01-Feb-24



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SYNOPSIS:

Under existing law, abortion is prohibited except to prevent a serious health risk to the unborn child's mother.

This bill would authorize an abortion necessary to preserve the life of the unborn child's mother.

This bill would require that, if an abortion is required to preserve the health of an unborn child's mother, the father of the unborn child must pay for all medical expenses related to the pregnancy and the abortion, unless the mother waives the payment requirement.

This bill would authorize a district court to adjudicate paternity if an alleged father who is required to pay expenses disputes paternity.

This bill would also authorize the father of an unborn child who is required to pay expenses to petition the district court for relief, and would authorize the district court to grant relief on the condition that the father agrees to undergo a vasectomy.

A BILL  
TO BE ENTITLED



## HB80 INTRODUCED

29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56

AN ACT

Relating to abortion; to amend Sections 26-23H-3 and 26-23H-4, Code of Alabama 1975; to add Section 26-23H-4.1 to the Code of Alabama 1975; to authorize an abortion to preserve the life of the unborn child's mother; to require the father to pay for an abortion required to preserve the life of the mother and certain other medical expenses, unless the mother waives the requirement; to authorize a district court to adjudicate disputed paternity; to authorize the father to petition the district court for relief; and to authorize the district court to grant relief if the father agrees to undergo a vasectomy.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 26-23H-3 and 26-23H-4, Code of Alabama 1975, are amended to read as follows: FIX THIS

"§26-23H-3

As used in this chapter, the following terms ~~shall~~ have the following meanings:

(1) ABORTION. The use or prescription of any instrument, medicine, drug, or any other substance or device with the intent to terminate the pregnancy of a woman known to be pregnant with knowledge that the termination by those means will with reasonable likelihood cause the death of the unborn child. The term does not include these activities if done with the intent to save the life or preserve the health of an unborn child, remove a dead unborn child, to deliver the unborn child prematurely to ~~avoid a serious health risk to~~



## HB80 INTRODUCED

57 preserve the health of the unborn child's mother, or to  
58 preserve the health of her unborn child. The term does not  
59 include a procedure or act to terminate the pregnancy of a  
60 woman with an ectopic pregnancy, nor does it include the  
61 procedure or act to terminate the pregnancy of a woman when  
62 the unborn child has a lethal anomaly.

63 (2) ECTOPIC PREGNANCY. Any pregnancy resulting from  
64 either a fertilized egg that has implanted or attached outside  
65 the uterus or a fertilized egg implanted inside the cornu of  
66 the uterus.

67 (3) LETHAL ANOMALY. A condition from which an unborn  
68 child would die after birth or shortly thereafter or be  
69 stillborn.

70 (4) MAN. A male human being, whether or not he has  
71 reached the age of majority.

72 ~~(4)~~ (5) MEDICAL EMERGENCY. A condition which, in  
73 reasonable medical judgment, so complicates the medical  
74 condition of the pregnant woman that her pregnancy must be  
75 terminated to avoid a serious health risk as defined in this  
76 chapter.

77 ~~(5)~~ (6) PHYSICIAN. A person licensed to practice  
78 medicine and surgery or osteopathic medicine and surgery in  
79 Alabama.

80 ~~(6) SERIOUS HEALTH RISK TO THE UNBORN CHILD'S MOTHER.~~  
81 ~~In reasonable medical judgment, the child's mother has a~~  
82 ~~condition that so complicates her medical condition that it~~  
83 ~~necessitates the termination of her pregnancy to avert her~~  
84 ~~death or to avert serious risk of substantial physical~~



## HB80 INTRODUCED

~~impairment of a major bodily function. This term does not include a condition based on a claim that the woman is suffering from an emotional condition or a mental illness which will cause her to engage in conduct that intends to result in her death or the death of her unborn child. However, the condition may exist if a second physician who is licensed in Alabama as a psychiatrist, with a minimum of three years of clinical experience, examines the woman and documents that the woman has a diagnosed serious mental illness and because of it, there is reasonable medical judgment that she will engage in conduct that could result in her death or the death of her unborn child. If the mental health diagnosis and likelihood of conduct is confirmed as provided in this chapter, and it is determined that a termination of her pregnancy is medically necessary to avoid the conduct, the termination may be performed and shall be only performed by a physician licensed in Alabama in a hospital as defined in the Alabama Administrative Code and to which he or she has admitting privileges.~~

(7) UNBORN CHILD, CHILD, OR PERSON. A human being, specifically including an unborn child in utero at any stage of development, regardless of viability.

(8) WOMAN. A female human being, whether or not she has reached the age of majority."

"§26-23H-4

(a) It shall be unlawful for any person to intentionally perform or attempt to perform an abortion except as provided for by subsection (b).



## HB80 INTRODUCED

113 (b) An abortion shall be permitted if an attending  
114 physician licensed in Alabama determines that an abortion is  
115 necessary in order to ~~prevent a serious health risk to~~  
116 preserve the health of the unborn child's mother. Except in  
117 the case of a medical emergency as defined herein, the  
118 physician's determination shall be confirmed in writing by a  
119 second physician licensed in Alabama. The confirmation shall  
120 occur within 180 days after the abortion is completed and  
121 shall be prima facie evidence for a permitted abortion."

122 Section 2. Section 26-23H-4.1 is added to the Code of  
123 Alabama 1975, to read as follows:

124 §26-23H-4.1

125 (a) (1) Except as provided in subdivision (2), if an  
126 abortion is necessary to preserve the health of an unborn  
127 child's mother pursuant to Section 26-23H-4, the unborn  
128 child's father shall pay for all medical expenses associated  
129 with the pregnancy and the abortion including, but not limited  
130 to, expenses associated with any complications resulting from  
131 the pregnancy.

132 (2) The mother of an unborn child for whom an abortion  
133 is required to preserve her health may opt not to require  
134 payment from the unborn child's father by completing and  
135 submitting a waiver to the district court in the county in  
136 which she resides. The waiver shall be developed by the  
137 Administrative Office of Courts.

138 (b) A father required to pay for expenses pursuant to  
139 subsection (a) may petition the district court for relief from  
140 those requirements, provided that the father agrees to undergo



## HB80 INTRODUCED

141 a vasectomy. A man required to undergo a vasectomy under this  
142 subsection must provide the court with documentation of the  
143 vasectomy.

144 (c) If a man required to pay for expenses pursuant to  
145 subsection (a) disputes that he is the father of the unborn  
146 child in question, he may petition the district court to  
147 adjudicate paternity. If the court determines that the man is  
148 the biological father of the unborn child, he must either pay  
149 the expenses required by subsection (a) or petition for a  
150 grant of relief pursuant to subsection (b).

151 (d) (1) Appropriate venue for a proceeding under this  
152 section is the county of this state in which the unborn  
153 child's alleged father resides or in which the unborn child's  
154 mother resides.

155 (2) Court proceedings under this section shall be given  
156 such precedence over other pending matters as is necessary to  
157 ensure that the court may reach a decision promptly, but in no  
158 case shall the court fail to rule within 48 hours of the time  
159 the petition is filed, Saturdays, Sundays, and legal holidays  
160 excluded.

161 Section 3. This act shall become effective on October  
162 1, 2024.