

1 2. "Medical emergency" means a condition which cannot be
2 remedied by delivery of the child in which an abortion is necessary
3 to preserve the life of a pregnant woman whose life is endangered by
4 a physical disorder, physical illness or physical injury including a
5 life-endangering physical condition caused by or arising from the
6 pregnancy itself.

7 B. 1. Notwithstanding any other provision of law, a person
8 shall not purposely perform or attempt to perform an abortion except
9 to save the life of a pregnant woman in a medical emergency.

10 2. A person convicted of performing or attempting to perform an
11 abortion shall be guilty of a felony punishable by a fine not to
12 exceed One Hundred Thousand Dollars (\$100,000.00), or by confinement
13 in the custody of the Department of Corrections for a term not to
14 exceed ten (10) years, or by such fine and imprisonment.

15 3. This section does not:

- 16 a. authorize the charging or conviction of a woman with
17 any criminal offense in the death of her own unborn
18 child, or
- 19 b. prohibit the sale, use, prescription or administration
20 of a contraceptive measure, drug or chemical if the
21 contraceptive measure, drug or chemical is
22 administered before the time when a pregnancy could be
23 determined through conventional medical testing and if
24 the contraceptive measure, drug or chemical is sold,

1 used, prescribed or administered in accordance with
2 manufacturer instructions.

3 4. It is an affirmative defense to prosecution under this
4 section if a licensed physician provides medical treatment to a
5 pregnant woman which results in the accidental or unintentional
6 injury or death to the unborn child.

7 SECTION 2. This act shall become effective November 1, 2021.

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9 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04/08/2021 -
10 DO PASS, As Coauthored.

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