

**ABORTION AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jennifer Dailey-Provost**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE****General Description:**

This bill modifies provisions relating to abortion.

**Highlighted Provisions:**

This bill:

- removes provisions requiring a physician to verify a report has been made to law enforcement before the physician performs an abortion on an adult woman who is pregnant as a result of rape or incest; and

- makes technical changes.

**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 2019, Chapters 189 and 208**76-7-331**, as enacted by Laws of Utah 2004, Chapter 271

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*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.**

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

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

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

(a) the unborn child is not viable; or

(b) the unborn child is viable, if:

(i) the abortion is necessary to avert:

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

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

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

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

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

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

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

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

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

(B) before the abortion is performed, the physician who performs the abortion~~[: (F) verifies that the incident described in Subsection (3)(b)(iii)(A) has been reported to law enforcement; and (H)]~~ complies with the requirements of Section 62A-4a-403.

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

Section 2. Section 76-7-331 is amended to read:

**76-7-331. Public funding of abortion forbidden.**

(1) As used in this section, "damage to a major bodily function" refers only to injury or impairment of a physical nature and may not be interpreted to mean mental, psychological, or emotional harm, illness, or distress.

(2) Public funds of the state, its institutions, or its political subdivisions may not be used to pay or otherwise reimburse, either directly or indirectly, any person, agency, or facility

59 for the performance of any induced abortion services unless:

60 (a) in the professional judgment of the pregnant woman's attending physician, the  
61 abortion is necessary to save the pregnant woman's life;

62 (b) the pregnancy is the result of rape or incest [~~reported to law enforcement agencies;~~  
63 ~~unless the woman was unable to report the crime for physical reasons or fear of retaliation~~]; or

64 (c) in the professional judgment of the pregnant woman's attending physician, the  
65 abortion is necessary to prevent permanent, irreparable, and grave damage to a major bodily  
66 function of the pregnant woman provided that a caesarian procedure or other medical  
67 procedure that could also save the life of the child is not a viable option.

68 (3) Any officer or employee of the state who knowingly authorizes the use of funds  
69 prohibited by this section shall be dismissed from that person's office or position and the  
70 person's employment shall be immediately terminated.