

2004 SESSION

INTRODUCED

048368236

HOUSE BILL NO. 1315

Offered January 20, 2004

A BILL to amend the Code of Virginia by adding a section numbered 18.2-73.1 relating to abortion performed after first trimester.

Patrons—Black, Marshall, R.G., Abbitt, Albo, Armstrong, Athey, Bryant, Byron, Callahan, Carrico, Cline, Cole, Cosgrove, Cox, Dudley, Gear, Hargrove, Howell, W.J., Hugo, Hurt, Ingram, Janis, Johnson, Jones, S.C., Keister, Kilgore, Landes, Lingamfelter, Louderback, Marrs, Marshall, D.W., May, McDonnell, McQuigg, Morgan, Nixon, Nutter, Oder, Parrish, Phillips, Putney, Rapp, Reese, Reid, Rust, Saxman, Sherwood, Stump, Tata, Wardrup, Ware, R.L., Weatherholtz, Welch and Wright; Senators: Bell, Blevins, Bolling, Colgan, Cuccinelli, Devolites, Hanger, Martin, Mims, Newman, O'Brien, Obenshain, Rerras, Ruff and Wagner

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-73.1, as follows:

§ 18.2-73.1. Fetal pain act; penalty.

For the purposes of this section, an unborn child is any living organism, prior to birth, whose deoxyribonucleic acid is that of Homo sapiens.

No abortion may be induced after 12 weeks development unless the unborn child is first anesthetized in a manner suitable for patients undergoing amputation.

For each such induced abortion, the physician performing the abortion shall forward a notarized report, which shall be sent to the Department of Health, within 90 days, attesting to:

1. The estimated age at which the unborn child was aborted;

2. Whether the unborn child was first anesthetized as required by this section;

Any person who performs an abortion without first anesthetizing the unborn child as required by this section is guilty of a Class1 misdemeanor. However, it shall be a complete defense, if, in the reasonable clinical judgment of the physician performing the abortion, the life of the expectant mother would be immediately threatened by delay or by the procedures necessary to anesthetize the unborn child.

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