

1997 SESSION

INTRODUCED

973822346

HOUSE BILL NO. 2898

Offered January 20, 1997

A *BILL to amend and reenact § 18.2-74.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-74.2, relating to abortion; penalty.*

Patrons—McClure, Katzen and Landes; Senators: Colgan and Newman

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-74.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-74.2 as follows:

§ 18.2-74.1. Abortion, etc., when necessary to save life of woman.

In the event it is necessary for a licensed physician to terminate a human pregnancy or assist in the termination of a human pregnancy by performing an abortion or causing a miscarriage on any woman in order to save her life, in the opinion of the physician so performing the abortion or causing the miscarriage, §§ 18.2-71, 18.2-73 and 18.2-74 shall not be applicable. *In the event that a partial birth abortion is necessary because no other medical procedure would suffice to save the life of the woman, § 18.2-74.2 shall not be applicable.*

§ 18.2-74.2. *Partial birth abortion prohibited.*

Notwithstanding the provisions of §§ 18.2-72, 18.2-73 and 18.2-74, a physician licensed by the Board of Medicine to practice medicine and surgery shall not knowingly perform a partial birth abortion. The woman upon whom the abortion is performed in violation of this section may not be prosecuted under this section or any other provision of this article. A violation of this section shall be punished as a Class 1 misdemeanor.

For purposes of this section and § 18.2-74.1, "partial birth abortion" means an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery.

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