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1 **HOUSE BILL NO. 2898**
2 House Amendments in [ ] — February 4, 1997
3 *A BILL [* ~~to amend and reenact § 18.2-74.1 of the Code of Virginia and~~ *] to amend the Code of*
4 *Virginia by adding a section numbered 18.2-74.2, relating to abortion; penalty.*
5 ——————
6 Patrons—McClure, Katzen and Landes; Senators: Colgan and Newman
7 (Incorporated Bill—HB 1945 [Marshall])
8 ——————
9 Referred to Committee for Courts of Justice
10 ——————
11 **Be it enacted by the General Assembly of Virginia:**
12 **1. That [** ~~§ 18.2-74.1 of the Code of Virginia is amended and reenacted and that~~ **] the Code of**
13 **Virginia is amended by adding a section numbered 18.2-74.2 as follows:**
14 [~~§ 18.2-74.1. Abortion, etc., when necessary to save life of woman.~~
15 ~~In the event it is necessary for a licensed physician to terminate a human pregnancy or assist in the~~
16 ~~termination of a human pregnancy by performing an abortion or causing a miscarriage on any woman in~~
17 ~~order to save her life, in the opinion of the physician so performing the abortion or causing the~~
18 ~~miscarriage, §§ 18.2-71, 18.2-73~~ and ~~18.2-74 shall not be applicable.~~ *In the event that a partial birth*
19 *abortion is necessary because no other medical procedure would suffice to save the life of the woman,*
20 *§ 18.2-74.2 shall not be applicable.*]
21 *§ 18.2-74.2. Partial birth abortion prohibited.*
22 *Notwithstanding the provisions of §§ 18.2-72, 18.2-73 and 18.2-74, a physician licensed by the Board*
23 *of Medicine to practice medicine and surgery shall not knowingly perform a partial birth abortion [*
24 *unless the woman's life or health is at risk] . The woman upon whom the abortion is performed in*
25 *violation of this section may not be prosecuted under this section or any other provision of this article.*
26 *A violation of this section shall be punished as a Class 1 misdemeanor. [This section shall only apply*
27 *to a fetus which is viable.]*
28 *For purposes of this section and § 18.2-74.1, "partial birth abortion" means an abortion in which the*
29 *person performing the abortion partially vaginally delivers a [* ~~living~~ *] fetus before killing the fetus*
30 *and completing the delivery.*