

Senate Bill No. 223

(By Senators Barnes and M. Hall)

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[Introduced January 8, 2014; referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.]

**FISCAL
NOTE**

10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto two new sections, designated §33-42-9 and
12 §33-42-10, all relating to the care of aborted fetuses;
13 requiring medical facilities that provide abortions to
14 administer anesthesia to an unborn fetus when aborted if it is
15 older than seven weeks; requiring all available medical means
16 to be used to preserve the life of a fetus if it is alive when
17 aborted; and providing criminal penalties.

18 *Be it enacted by the Legislature of West Virginia:*

19 That the Code of West Virginia, 1931, as amended, be amended
20 by adding thereto two new sections, designated §33-42-9 and
21 §33-42-10, all to read as follows:

22 **ARTICLE 42. WOMEN'S ACCESS TO HEALTH CARE ACT.**

23 **§33-42-9. Requirement that certain medical facilities provide**

1 **anesthesia to unborn babies who are aborted, when**
2 **older than seven weeks.**

3 (a) A facility that provides abortions is responsible for
4 ensuring that anesthesia is administered to an unborn fetus who is
5 aborted if it is older than seven weeks. The kind of anesthesia
6 used and the method of administering the anesthesia shall conform
7 to medical standards used in fetal surgery.

8 (b) A facility or person violating this section is guilty of
9 a misdemeanor and, upon conviction thereof, shall be fined not less
10 than \$1,000 nor more than \$5,000 and, if an individual, confined in
11 jail not less than six months nor more than one year, or both fined
12 and confined.

13 (c) Nothing contained in this section endorses, allows,
14 permits or approves of any abortion.

15 **§33-42-10. Requirement to preserve life when fetus aborted alive.**

16 (a) If, during the course of an abortion procedure, a fetus is
17 aborted alive, the facility in which the abortion is performed and
18 all individuals directly involved in performing the abortion shall
19 use all available medical means to preserve, promote and maintain
20 the life of the fetus.

21 (b) A person who violates the provisions of this section is
22 guilty of a felony and, upon conviction thereof, shall be fined not
23 less than \$1,000 nor more than \$5,000 or imprisoned in a state

1 correctional facility for not less than one nor more than three
2 years, or both fined and imprisoned.

3 (c) Nothing in this section endorses, allows, permits or
4 approves of any abortion.

NOTE: The purpose of this bill is to require medical facilities that provide abortions to administer anesthesia to an unborn fetus when aborted if it is older than seven weeks. It also provides that when, during the course of an abortion procedure, a fetus is aborted alive, all available medical means must be used to preserve its life. The bill provides criminal penalties for violations.

These sections are new; therefore, strike-throughs and underscoring have been omitted.