

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **House Bill 2169**

BY DELEGATE MCGEEHAN

[Introduced February 10, 2021; Referred to the  
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §16-2Q-1, §16-2Q-2, and §16-2Q-3, all relating to the right to life guaranteed  
 3 to all human beings and providing definitions.

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

**ARTICLE 2Q. LIFE AT CONCEPTION ACT.**

**§16-2Q-1. Short title.**

1 This article may be cited as the “Life at Conception Act of 2021.”

**§16-2Q-2. Right to Life.**

1 (a) In general — To implement equal protection for the right to life of each born and  
 2 preborn human person, and pursuant to the duty and authority of the legislative body, including  
 3 the power under section 8 of Article I of the Constitution of the United States and Article VI of the  
 4 Constitution of the State of West Virginia to make necessary and proper laws and the power under  
 5 section five of the 14th Amendment to the Constitution of the United States, we hereby declare  
 6 that the right to life guaranteed by the Constitutions of the United States and the State of West  
 7 Virginia is vested in each human being.

8 (b) Nothing in this article shall be construed to require the prosecution of any woman for  
 9 the death of her unborn child, to prohibit in vitro fertilization, or to prohibit the use of birth control  
 10 or another means of preventing fertilization.

**§16-2Q-3. Definitions.**

1 In this article, the following definitions apply:

2 (1) HUMAN PERSON; HUMAN BEING — The terms “human person” and “human being”  
 3 include each member of the species homo sapiens at all stages of life, including the moment of  
 4 fertilization or cloning, or other moment at which an individual member of the human species  
 5 comes into being; and

6 (2) STATE — For purposes of applying the 14th Amendment to the Constitution of the  
 7 United States and other applicable provisions of the Constitution to carry out §16-2P-2 of this

8 code, the term “State” is defined as the State of West Virginia.

NOTE: The purpose of this bill is to guarantee the right to life to all human beings and to provide definitions.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.