

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

Senate Bill 337

BY SENATORS RUCKER, BOLEY, CLEMENTS, GRADY,
HAMILTON, MAYNARD, PHILLIPS, ROBERTS, SMITH,
STOVER, SYPOLT, TARR, WOODRUM, KARNES, SWOPE,
AZINGER, AND MARTIN

[Introduced February 18, 2021; referred
to the Committee on Health and Human Resources;
and then 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
 3 being” include each member of the species homo sapiens at all stages of life, including the
 4 moment of fertilization or cloning, or other moment at which an individual member of the human
 5 species 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 §16-2Q-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.