

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

Senate Bill 595

FISCAL
NOTE

BY SENATORS RUCKER AND SMITH

[Introduced March 8, 2021; referred
to the Committee on Health and Human Resources;
and then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §16-2Q-1, relating to a ban of nonsurgical, chemical abortions in this state;
 3 prohibiting the manufacture, distribution, prescription, disbursement, sale, or transfer of
 4 the “abortion pill”, otherwise known as RU-486, Mifepristone, Mifegyne, or Mifeprex, or
 5 any substantially similar generic or nongeneric abortifacient drug in West Virginia; and
 6 creating a criminal penalty.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16Q. PROHIBITION ON NONSURGICAL ABORTION.

§16-2Q-1. Ban of NonSurgical Abortion.

1 (a) It is unlawful for any person or entity to manufacture, distribute, prescribe, dispense,
 2 sell, or transfer the “abortion pill”, otherwise known as RU-486, Mifepristone, Mifegyne, or
 3 Mifeprex, or any substantially similar generic or nongeneric abortifacient drug in West Virginia.

4 (b) A violation of this section is a felony, punishable by a fine not more than \$10,000 or
 5 imprisoned in a state correctional facility for not less than one year nor more than five years, or
 6 both fined and imprisoned.

7 (c) No woman shall be charged or held criminally liable under this article for the death of
 8 her own unborn child by virtue of the use of an abortifacient drug.

9 (d) This article does not prohibit the sale, use, prescription, or administration of any
 10 contraceptive agent administered prior to conception or before a pregnancy can be confirmed
 11 through conventional medical testing.

12 (e) The construction of existing laws and rules that regulate or recognize chemical abortion
 13 in this state that are in conflict with this article shall be repealed. If this article is challenged and
 14 enjoined pending a final judicial decision, the existing laws and rules that regulate or recognize
 15 chemical abortion shall remain in effect during that time.

NOTE: The purpose of this bill is to ban the manufacturing, distribution, prescribing,

dispensing, selling, or transferring of the “abortion pill”, otherwise known as RU-486, within the State of West Virginia.

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