WEST virginia legislature

2021 regular session

Introduced

House Bill 3024

By Delegate Pritt

[Introduced March 9, 2021; Referred

to the Committee on Health and Human Resources then the Judiciary]

A BILL to amend and reenact §16-2I-1 of the Code of West Virginia, 1931, as amended, relating to prohibiting an abortion based on down syndrome.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2I. WOMENS RIGHT TO KNOW ACT.

§16-2I-1. Definitions.

For the purposes of this article, the words or phrases defined in this section have these meanings ascribed to them.

(a) “Abortion” means the use or prescription of any instrument, medicine, drug or any other substance or device intentionally to terminate the pregnancy of a female known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth or to remove a dead embryo or fetus: *Provided*, That an abortion may not be performed based on down syndrome.

(b) “Attempt to perform an abortion” means an act, or an omission of a statutorily required act, that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in the performance of an abortion in West Virginia in violation of this article.

(c) “Medical emergency” means any condition which, on the basis of a physician's good-faith clinical judgment, so complicates the medical condition of a pregnant female as to necessitate the immediate termination of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function.

(d) “Physician” means any medical or osteopathic doctor licensed to practice medicine in this state.

(e) “Probable gestational age of the embryo or fetus” means what, in the judgment of the physician, will with reasonable probability be the gestational age of the embryo or fetus at the time the abortion is planned to be performed.

(f) “Stable Internet website” means a website that, to the extent reasonably practicable, is safeguarded from having its content altered other than by the Department of Health and Human Resources.

NOTE: The purpose of this bill is to prohibit an abortion based on down syndrome.

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