

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]

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

Be it enacted by the Legislature of West Virginia:

ARTICLE 2I. WOMEN'S RIGHT TO KNOW ACT.

§16-2I-1. Definitions.

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

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

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

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

16 (d) "Physician" means any medical or osteopathic doctor licensed to practice medicine in
17 this state.

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

21 (f) "Stable Internet website" means a website that, to the extent reasonably practicable, is

- 22 safeguarded from having its content altered other than by the Department of Health and Human
- 23 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.