

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

### **Committee Substitute**

**for**

### **Senate Bill 552**

BY SENATORS RUCKER, TAYLOR, KARNES, PHILLIPS,  
GRADY, SMITH, MAYNARD, MARTIN, AZINGER, WOODRUM,  
ROBERTS, DEEDS, OLIVERIO, SWOPE, STUART, TARR,  
BARRETT, HUNT, CHAPMAN, QUEEN, AND STOVER

[Originating in the Committee on Health and Human  
Resources; reported on February 25, 2023]



1 A BILL to amend and reenact §16-2I-1, §16-2I-2, §16-2I-3, and §16-2I-4 of the Code of West  
2 Virginia, 1931, as amended; to repeal §16-2I-5 of said code; to amend and reenact §16-  
3 2I-6, §16-2I-7, §16-2I-8, and §16-2I-9 of said code; and to amend and reenact §16-2R-9  
4 of said code, all relating to abortion; defining terms; making article applicable to physicians  
5 that meet qualifications and are certified under Mifepristone risk evaluation and mitigation  
6 strategy; amending information provided during informed consent; removing liability  
7 protection for a physician when prescribing a non-Food and Drug Administration approved  
8 drug therapy; providing resource to contact if questions rise regarding chemical abortion;  
9 requiring the Secretary of the Department of Health and Human Resources to have a 24-  
10 hour telephone number to maximize awareness; revising information to be made  
11 available; requiring the Bureau of Public Health to publish information on its website;  
12 setting forth the required information; providing for administrative discipline against a  
13 licensed medical professional for violation of article; and revising severability clauses.

*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 "Abortion" means ~~the same as that term is defined in §16-2F-2~~ an abortion as defined in  
4 §16-2R-2 of this code that is performed pursuant to the exceptions provided for in §16-2R-3 of  
5 this code.

6 "Attempt to perform an abortion" means ~~the same as that term is defined in §16-2M-2~~  
7 attempt to perform or induce an abortion as defined in §16-2R-2 of this code that is performed  
8 pursuant to the exceptions provided for in §16-2R-3 of this code.

9 "Chemical abortion" means the use or prescription of an abortion-inducing drug dispensed  
10 with the intent to cause an abortion.

11 "Designee" means a person licensed under chapter 30 of this code practicing within his or  
12 her scope of practice.

13 "Licensed medical professional" means the same as that term is defined in ~~§16-2P-4~~ §16-  
14 2R-2 of this code.

15 "Medical emergency" ~~means any condition which, in the reasonable medical judgment of~~  
16 ~~the patient's physician, so complicates the medical condition of a pregnant female as to~~  
17 ~~necessitate the immediate termination of her pregnancy to avert her death or for which a delay~~  
18 ~~will create serious risk of substantial and irreversible physical impairment of a major bodily~~  
19 ~~function, not including psychological or emotional conditions. No condition shall be deemed a~~  
20 ~~medical emergency if based on a claim or diagnosis that the female will engage in conduct which~~  
21 ~~she intends to result in her death or in substantial and irreversible physical impairment of a major~~  
22 ~~bodily function.~~ means the same as that term is defined in §16-2R-2 of this code.

23 "Mifepristone risk evaluation and mitigation strategy" means a drug safety program that  
24 the U.S. Food and Drug Administration can require for certain medications with serious safety  
25 concerns to help ensure the benefits of the medication outweigh its risks.

26 ~~"Physician" means the same as that term is defined in of this code~~

27 "Probable gestational age of the embryo or fetus" means what, in the judgment of the  
28 physician licensed medical professional, will with reasonable probability be the gestational age of  
29 the embryo or fetus at the time the abortion is planned to be performed.

30 "Reasonable medical judgement" means the same as that term is defined in ~~§16-2M-2~~  
31 §16-2R-2 of this code.

32 "Stable Internet website" means a website that, to the extent reasonably practicable, is  
33 safeguarded from having its content altered by another other than the Department of Health and  
34 Human Resources.

**§16-2I-2. Informed consent.**

1           The provisions of §16-21-1 et seq. of this code are applicable to physicians that meet the  
2 qualifications and are certified under the Mifepristone risk evaluation and mitigation strategy  
3 program. An abortion may not be performed in this state except with the voluntary and informed  
4 consent of the female upon whom the abortion is to be performed. Except in the case of a medical  
5 emergency, consent to an abortion is voluntary and informed if, and only if:

6           (a) The female is told the following, by telephone or in person, by ~~the physician or the~~  
7 licensed medical professional or the designee to whom the responsibility has been delegated by  
8 ~~the physician~~ licensed medical professional who is to perform the abortion at least 24 hours before  
9 the abortion:

10           (1) The particular medical risks associated with the particular abortion procedure to be  
11 employed, including, ~~when medically accurate~~ among other things pertinent to informed consent,  
12 the risks of infection, hemorrhage, danger to subsequent pregnancies, and infertility;

13           (2) The probable gestational age of the embryo or fetus at the time the abortion is to be  
14 performed;

15           (3) The medical risks associated with carrying her child to term; and

16           (4) If a chemical abortion involving the two-drug process of Mifepristone is initiated and  
17 then a prostaglandin such as misoprostol is planned to be used at a later time, the female shall  
18 be informed that:

19           (A) Some suggest that it may be possible to counteract the intended effects of a  
20 Mifepristone chemical abortion by taking progesterone if the female changes her mind, before  
21 taking the second drug. ~~but this process has not been approved by the Food and Drug~~  
22 ~~Administration~~

23           (B) After the first drug involved in the two-drug process is dispensed in a Mifepristone  
24 chemical abortion, the ~~physician~~ licensed medical professional or agent of the ~~physician~~ licensed  
25 medical professional shall provide written medical discharge instructions to the pregnant female  
26 which shall include the statement:

27 "If you change your mind and decide to try to counteract the intended effects of a  
28 Mifepristone chemical abortion, if the second pill has not been taken, please consult with your  
29 ~~physician~~ licensed medical professional.

30 (i) You might experience a complete abortion without ever taking misoprostol;

31 (ii) You might experience a missed abortion, which means the fetus is no longer viable,  
32 but the fetus did not leave your body; or

33 (iii) It is possible that your pregnancy may continue; and

34 (iv) You should consult with your ~~physician~~ licensed medical professional."

35 (C) The female shall certify, as part of the informed consent process for any medical  
36 procedure, that she has been informed about the above possibilities regarding a chemical  
37 abortion.

38 ~~(D) Notwithstanding any law to the contrary, a physician acting in conformity with the~~  
39 ~~informed consent provisions of this section relating to the possibility of counteracting the intended~~  
40 ~~effects of a chemical abortion, or a physician prescribing a non-Food and Drug Administration~~  
41 ~~approved drug therapy to counteract a chemical abortion is not liable for any loss, damage,~~  
42 ~~physical injury, or death arising from any information provided by the physician related to~~  
43 ~~counteracting the intended effects of a chemical abortion or arising from prescribing a non-Food~~  
44 ~~and Drug Administration approved drug therapy to counteract a chemical abortion. In the case that~~  
45 ~~a child is diagnosed with a disability in the womb, it is important that she is presented and informed~~  
46 ~~of the resources available. In the case of a female seeking an abortion of a nonviable embryo or~~  
47 ~~fetus as defined in §16-2R-2 of this code, the female is informed, by telephone or in person, by~~  
48 ~~the licensed medical professional who is to perform the abortion or the licensed medical~~  
49 ~~professional's agent:~~

50 (1) That perinatal hospice services are available;

51 (2) This service is an alternative to abortion;

52 (3) That she has the right to review the printed materials described in §16-2I-3 of this code;

53 (4) That these materials are available on a state sponsored website; and

54 (5) What the website address is where she can access this information.

55 The information required by this subsection may be provided by telephone without  
56 conducting a physical examination or tests of the patient, in which case the information required  
57 to be provided may be based on facts supplied by the female to the ~~physician~~ licensed medical  
58 professional or ~~other licensed health care professional~~ a designee to whom the responsibility has  
59 been delegated by the ~~physician~~ licensed medical professional and whatever other relevant  
60 information is reasonably available to the ~~physician~~ licensed medical professional or ~~other~~  
61 ~~licensed health care professional~~ a designee to whom the responsibility has been delegated by  
62 the ~~physician~~ licensed medical professional. It may not be provided by a tape recording, but must  
63 be provided during a consultation in which the ~~physician or~~ licensed medical professional ~~licensed~~  
64 ~~health care professional~~ or a designee to whom the responsibility has been delegated by the  
65 ~~physician~~ licensed medical professional is able to ask questions of the female and the female is  
66 able to ask questions of the ~~physician or the licensed health care~~ medical professional or a  
67 designee to whom the responsibility has been delegated by the ~~physician~~ licensed medical  
68 professional.

69 If a physical examination, tests or the availability of other information to the ~~physician~~  
70 licensed medical professional or ~~other licensed health care professional~~ a designee to whom the  
71 responsibility has been delegated by the ~~physician~~ licensed medical professional subsequently  
72 indicate, in the medical judgment of the ~~physician~~ licensed medical professional or ~~the licensed~~  
73 ~~health care professional~~ a designee to whom the responsibility has been delegated by the  
74 ~~physician~~ licensed medical professional, a revision of the information previously supplied to the  
75 patient, that revised information may be communicated to the patient at any time before the  
76 performance of the abortion procedure.

77 Nothing in this section may be construed to preclude provision of required information in  
78 a language understood by the patient through a translator.

79 (b) The female is informed, by telephone or in person, by the ~~physician~~ licensed medical  
80 professional who is to perform the abortion, or by an agent of the ~~physician~~ licensed medical  
81 professional, at least 24 hours before the abortion procedure:

82 (1) That medical assistance benefits may be available for prenatal care, childbirth, and  
83 neonatal care through governmental or private entities;

84 (2) That the father, if his identity can be determined, is liable to assist in the support of her  
85 child based upon his ability to pay even in instances in which the father has offered to pay for the  
86 abortion;

87 (3) That she has the right to review the printed materials described in §16-21-3 of this code,  
88 that these materials are available on a state-sponsored website and the website address; and

89 (4) That the female will be presented with a form which she will be required to execute  
90 prior to the abortion procedure that is available pursuant to §16-21-3 of this code. ~~and that the~~  
91 ~~form to be presented will inform her of the opportunity to view the ultrasound image and her right~~  
92 ~~to view or decline to view the ultrasound image, if an ultrasound is performed~~

93 The ~~physician~~ licensed medical professional, or an agent of the ~~physician~~ licensed medical  
94 professional shall orally inform the female that the materials have been provided by the State of  
95 West Virginia and that they describe the embryo or fetus and list agencies and entities which offer  
96 alternatives to abortion.

97 If the female chooses to view the materials other than on the website, then they shall either  
98 be provided to her at least 24 hours before the abortion or mailed to her at least 72 hours before  
99 the abortion by first class mail in an unmarked envelope.

100 The information required by this subsection may be provided by a tape recording if  
101 provision is made to record or otherwise register specifically whether the female does or does not  
102 choose to have the printed materials given or mailed to her.

103 (c) The form required pursuant to subdivision (b)(4) of this section shall include the  
104 following information:



105 (1) It is a female's decision whether or not to undergo any ultrasound imaging procedure  
106 in consultation with her health care provider;

107 (2) If an ultrasound is performed in conjunction with the performance of an abortion  
108 procedure, the female has the right to view or to decline to view the image; and

109 (3) That the female has been previously informed of her opportunity to view the ultrasound  
110 image and her right to view or decline to view the ultrasound image. The female shall certify her  
111 choice on this form prior to the abortion procedure being performed.

112 The female shall certify in writing, before the abortion, that the information described in  
113 subsections (a) and (b) of this section has been provided to her and that she has been informed  
114 of her opportunity to review the information referred to in subdivision (b)(3) of this section.

115 Before performing the abortion procedure, the ~~physician~~ licensed medical professional  
116 who is to perform the abortion or the ~~physician's~~ licensed medical professional's agent shall obtain  
117 a copy of the executed certification required by the provisions of subsections (b) and (c) of this  
118 section.

**§16-21-3. Printed information.**

1 (a) Within 90 days of the effective date of this article, upon its reenactment during the  
2 regular session of the Legislature, 2023, the Secretary of the Department of Health and  
3 Human Resources shall cause to be published, in English and in each language which is the  
4 primary language of two percent or more of the state's population, as determined by the most  
5 recent decennial census performed by the U.S. census bureau, and shall cause to be  
6 available on the website provided in §16-21-4 of this code the following printed materials in  
7 such a way as to ensure that the information is easily comprehensible:

8 (1) Geographically indexed materials designed to inform the reader of public and  
9 private agencies and services available to assist a female through pregnancy, upon childbirth  
10 and while the child is dependent, including adoption agencies, which shall include a  
11 comprehensive list of the agencies available, a description of the services they offer and a

12 description of the manner, including telephone numbers. ~~At the option of the Secretary of~~  
13 ~~Health and Human Resources, a~~ A 24-hour-a-day telephone number ~~may~~ shall be established  
14 with the number being published in such a way as to maximize public awareness of its  
15 existence which may be called to obtain a list and description of agencies in the locality of the  
16 caller and of the services they offer;

17 (2) Materials designed to inform the female of the probable anatomical and  
18 physiological characteristics of the embryo or fetus at two-week gestational increments from  
19 the time when a female can be known to be pregnant to full term, including any relevant  
20 information on the possibility of the embryo or fetus's survival and pictures or drawings  
21 representing the development of an embryo or fetus at two-week gestational increments:  
22 *Provided*, That any such pictures or drawings must contain the dimensions of the embryo or  
23 fetus and must be realistic and appropriate for the stage of pregnancy depicted. The materials  
24 shall be objective, nonjudgmental, and designed to convey only accurate scientific information  
25 about the embryo or fetus at the various gestational ages. The material shall also contain  
26 objective information describing the methods of abortion procedures commonly employed; the  
27 medical risks commonly associated with each procedure, and the possible detrimental  
28 psychological effects of abortion; and the medical risks commonly associated with carrying a  
29 child to term; and

30 (3) Materials designed to inform the female of the range of possibilities regarding the  
31 effects and risks of a Mifepristone chemical abortion or an attempt to counteract it and  
32 information on and assistance with the resources that may be available.

33 (b) The materials referred to in subsection (a) of this section shall be printed in a  
34 typeface large enough to be clearly legible. The website provided for in §16-2I-4 of this code  
35 shall be maintained at a minimum resolution of 70 dots per inch. All pictures appearing on the  
36 website shall be a minimum of 200 x 300 pixels. All letters on the website shall be a minimum

37 of 11-point font. All information and pictures shall be accessible with an industry standard  
38 browser requiring no additional plug-ins.

39 (c) The materials required under this section shall be available at no cost from the  
40 Department of Health and Human Resources upon request and in appropriate numbers to any  
41 person, facility, or hospital.

**§16-2I-4. Internet website.**

1 (a) Within 90 days of the effective date of this article upon the reenactment of this article  
2 during the regular session of the Legislature, 2023, the Secretary of the Department of Health  
3 and Human Resources shall develop and maintain a stable Internet website to provide the  
4 information required to be provided pursuant to the provisions of ~~section three of this article~~ §16-  
5 2I-3 of this code. No information regarding persons visiting the website may be collected or  
6 maintained. The Secretary of the Department of Health and Human Resources shall monitor the  
7 website on a daily basis to prevent and correct tampering.

8 (b) The Bureau for Public Health shall make the following available through the bureau's  
9 publicly accessible internet website:

10 (1) Up-to-date evidence-based information about any in-utero disability or diagnosis that  
11 has been peer reviewed by medical experts and any national disability rights organizations. The  
12 information provided shall include the following:

13 (A) Physical, developmental, educational, and psychological outcomes;

14 (B) Life expectancy;

15 (C) Clinical course;

16 (D) Intellectual and functional development;

17 (E) Treatment options; and

18 (F) Any other information the bureau deems necessary.

19 (G) Contact information regarding first call programs and support services, including the  
20 following:

- 21 (i) Information hotlines specific to any in-utero fetal disabilities or conditions;
- 22 (ii) Relevant resources centers or clearinghouses;
- 23 (iii) Information about adoption specific to disabilities;
- 24 (iv) National and local disability rights organizations; and
- 25 (v) Education and support programs.

26 (H) Information regarding perinatal hospice and palliative care as provided in section §16-  
27 2I-2(4).

28 (c) The information provided in accordance with this section shall conform to the applicable  
29 standard or standards provided in the Enhanced National Standards for Culturally and  
30 Linguistically Appropriate Services in Health and Health Care as adopted by the United States  
31 Department of Health and Human Resources and published in the Federal Register on  
32 September 24, 2013.

33 (d) The website:

34 (1) Must use enhanced, user-friendly search capabilities to ensure that the information  
35 described in §16-2I-3 of this code is easily accessible, and must use searchable by keywords and  
36 phrases, specifically to ensure that entering the terms "abortion", "abortion pill reversal",  
37 "disability", "fetal abnormality", and "non-medically viable fetus" yields the materials provided  
38 under §16-2I-3 of this code regardless of the labeling.

39 (2) Must ensure that the §16-2I-3 of this code material is printable.

40 (3) Must give clear, prominent instructions on how to receive the information in printed  
41 form; and

42 (4) Must be accessible to the public without requiring registration or use of a username,  
43 password, or another user identification.

**§16-2I-5. Procedure in case of medical emergency.**

1 [Repealed.]

**§16-2I-6. Protection of privacy in court proceedings.**

1           In every civil or criminal proceeding or action brought under this article, the court shall rule  
2 whether the anonymity of any female upon whom an abortion has been performed or attempted  
3 shall be preserved from public disclosure if she does not give her consent to such disclosure. The  
4 court, upon motion or sua sponte, shall make such a ruling and, upon determining that her  
5 anonymity should be preserved, shall issue orders to the parties, witnesses, and counsel and  
6 shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing  
7 rooms to the extent necessary to safeguard her identity from public disclosure. Each such order  
8 shall be accompanied by specific written findings explaining why the anonymity of the female  
9 should be preserved from public disclosure, why the order is essential to that end, how the order  
10 is narrowly tailored to serve that interest and why no reasonable, less restrictive alternative exists.  
11 In the absence of written consent of the female upon whom an abortion has been performed or  
12 attempted, anyone, other than a public official, who brings an action under ~~section nine of this~~  
13 ~~article §16-21-8 of this code~~ shall do so under a pseudonym. This section may not be construed  
14 to conceal the identity of the plaintiff or of witnesses from the defendant.

**§16-21-7. Reporting requirements.**

1           (a) Within 90 days of the effective date of this article upon the reenactment of this article  
2 during the regular session of the Legislature, 2023, the Secretary of the Department of Health  
3 and Human Resources shall prepare a reporting form for ~~physicians~~ licensed medical  
4 professionals containing a reprint of this article and listing:

5           (1) The number of females to whom the information described ~~in subsection (a), section~~  
6 ~~two of this article §16-21-2 of this code~~ was provided;

7           (2) The number of females to whom the ~~physician~~ licensed medical professional or an  
8 agent of the ~~physician~~ licensed medical professional provided the information described in  
9 ~~subsection (b), section two of this article §16-21-2 of this code;~~

10 (3) The number of females who availed themselves of the opportunity to obtain a copy of  
11 the printed information described in ~~section three of this article~~ §16-21-3 of this code other than  
12 on the website;

13 (4) The number of abortions performed in cases involving a medical emergency; and

14 (5) The number of abortions performed in cases not involving a medical emergency.

15 (b) The Secretary of the Department of Health and Human Resources shall ensure that  
16 copies of the reporting forms described in subsection (a) of this section are provided:

17 (1) Within 120 days after the effective date of this article to all ~~physicians~~ licensed  
18 medical professionals licensed to practice in this state;

19 (2) To each ~~physician~~ licensed medical professional who subsequently becomes newly  
20 licensed to practice in this state, at the same time as official notification to that ~~physician~~  
21 licensed medical professional that the ~~physician~~ licensed medical professional is so licensed;  
22 and

23 (3) By December 1 of each year, other than the calendar year in which forms are  
24 distributed in accordance with subdivision (1) of this subsection, to all ~~physicians~~ licensed  
25 medical professionals licensed to practice in this state.

26 (c) By ~~the~~ February 28 of each year following a calendar year in any part of which this  
27 act was in effect, each ~~physician~~ licensed health professional who provided, or whose agent  
28 provided, information to one or more females in accordance with section two of this article  
29 during the previous calendar year shall submit to the Secretary of the Department of Health  
30 and Human Resources a copy of the form described in subsection (a) of this section with the  
31 requested data entered accurately and completely.

32 (d) Reports that are not submitted by the end of a grace period of 30 days following  
33 the due date are subject to a late fee of \$500 for each additional 30-day period or portion of  
34 a 30-day period they are overdue. Any ~~physician~~ licensed health professional required to  
35 report in accordance with this section who has not submitted a report, or has submitted only

36 an incomplete report more than one year following the due date may, in an action brought by  
37 the Secretary of the Department of Health and Human Resources, be directed by a court of  
38 competent jurisdiction to submit a complete report within a period stated by court order or be  
39 subject to sanctions for civil contempt.

40 (e) By August 1 of each year, the Secretary of the Department of Health and Human  
41 Resources shall issue a public report providing statistics for the previous calendar year compiled  
42 from all of the reports covering that year submitted in accordance with this section for each of the  
43 items listed in subsection (a) of this section. Each report shall also provide the statistics for all  
44 previous calendar years, adjusted to reflect any additional information from late or corrected  
45 reports. The Secretary of the Department of Health and Human Resources shall prevent any of  
46 the information from being included in the public reports that could reasonably lead to the  
47 identification of any ~~physician~~ licensed medical professional who performed or treated an  
48 abortion, or any female who has had an abortion, in accordance with subsection (a), (b), or (c) of  
49 this section. Any information that could reasonably lead to the identification of any ~~physician~~  
50 licensed medical professional who performed or treated an abortion, or any female who has had  
51 an abortion, in accordance with subsection (a), (b), or (c) of this section is exempt from disclosure  
52 under the ~~freedom of information act~~ Freedom of Information Act, ~~article one, chapter twenty-~~  
53 ~~nine-b~~ §29B-1-1 et seq. of this code.

54 (f) The Secretary of the Department of Health and Human Resources may propose rules  
55 for legislative approval in accordance with the provisions of ~~article three, chapter twenty-nine-a~~  
56 §29A-3-1 et seq. of this code which alter the dates established by subdivision (3), subsection (b)  
57 of this section or subsection (c) or (e) of this section, or consolidate the forms or reports described  
58 in this section with other forms or reports to achieve administrative convenience or fiscal savings  
59 or to reduce the burden of reporting requirements, so long as reporting forms are sent to all  
60 ~~licensed physicians~~ licensed medical professionals in the state at least once every year and the  
61 report described in subsection (e) of this section is issued at least once every year.

**§16-2I-8. Administrative remedies.**

1           ~~Any physician or agent thereof who willfully violates the provisions of this article may be~~  
2 ~~subject to sanctions as levied by the licensing board governing his or her profession.~~

3           A licensed medical professional who knowingly and willfully performs, induces, or attempts  
4 to perform or induce an abortion, in violation of this article, is subject to disciplinary action by his  
5 or her applicable licensing board. If the licensing board finds that the licensed medical  
6 professional has knowingly and willfully performed, induced, or attempted to perform or induce an  
7 elective abortion in violation of this article, the licensing board shall revoke the medical  
8 professional's license.

**§16-2I-9. Severability.**

1           ~~Effective from the reenactment of this section during the third extraordinary session of the~~  
2 ~~Legislature, 2022, this article is of no force or effect unless any provision of §16-2R-1 et seq. of~~  
3 ~~this code is judicially determined to be unconstitutional~~

4           If any one or more provision, section, subsection, sentence, clause, phrase, or word of  
5 this article or the application thereof to any person or circumstance is found to be unconstitutional,  
6 the same is hereby declared to be severable and the balance of this article shall remain effective  
7 notwithstanding such unconstitutionality. The Legislature hereby declares that it would have  
8 passed this article, and each provision, section, subsection, sentence, clause, phrase, or word  
9 thereof, irrespective of the fact that any one or more provision, section, subsection, sentence,  
10 clause, phrase, or word be declared unconstitutional.

**§16-2R-9. Severability.**

1           ~~If any provision of §16-2R-1 et seq. of this code is judicially determined to be~~  
2 ~~unconstitutional, this entire article shall be of no force and effect and the provisions of §16-2F-1~~  
3 ~~et seq., §16-2I-1 et seq., §16-2M-1 et seq., §16-2O-1, §16-2P-1, §16-2Q-1, and §33-42-8 of this~~  
4 ~~code shall become immediately effective.~~ If any provision of §16-2R-1 et seq. of this code is  
5 judicially determined to be unconstitutional, except for §16-2R-3(f) and §16-2R-3(g) of this code,



6 this entire article shall be of no force and effect and the provisions of §16-2F-1 et seq., §16-2M-1  
7 et seq., §16-2O-1, §16-2P-1, §16-2Q-1, and §33-42-8 of this code shall become immediately  
8 effective.