1 Senate Bill No. 26 2 (By Senators Barnes and Sypolt) 3 4 [Introduced January 12, 2011; referred to the Committee on Health 5 and Human Resources; and then to the Committee on the Judiciary.] 6 7 8 9 10 A BILL to amend the Code of West Virginia, 1931, as amended, by 11 adding thereto a new section, designated §33-42-9, relating to 12 prohibiting the performance of any abortion when the woman 13 seeking it is doing so solely on account of the gender of the fetus; and prescribing a criminal penalty for violations of 14 15 this section. 16 Be it enacted by the Legislature of West Virginia: That the Code of West Virginia, 1931, as amended, be amended 18 by adding thereto a new section, designated \$33-42-9, to read as 19 follows: 20 ARTICLE 42. WOMEN'S ACCESS TO HEALTH CARE ACT. 21 §33-42-9. Prohibition on abortions motivated by gender of fetus. Prior to performing any abortion, a medical practitioner shall 2.2 23 take reasonable measures to determine the motivation of the woman

1 seeking to abort her fetus. In the event the sole motivation for 2 seeking to abort the fetus is based on the woman's knowledge of the 3 gender of the fetus, it is unlawful to perform the abortion. Any 4 person who violates the requirements of this section is guilty of 5 a misdemeanor and, upon conviction thereof, shall be fined not less 6 than \$500 nor more than \$1,000. Nothing contained in this section 7 may be construed or interpreted to endorse, allow, permit or 8 approve of any abortion.

NOTE: The purpose of this bill is to prohibit the performance of any abortion when the woman seeking it is doing so solely on account of the gender of the fetus. The bill also prescribes a criminal penalty for violations of the section.

This section is new; therefore, strike-throughs and underscoring have been omitted.