

H. B. 2371

(By Delegate Romine)

[Introduced February 13, 2013; referred to the Committee on Health and Human Resources then the Judiciary.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-42-9, relating to prohibiting the performance of any abortion when the woman seeking it is doing so solely on account of the gender of the fetus; prescribing a misdemeanor criminal penalty for violations of the section.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §33-42-9, to read as follows:

ARTICLE 42. WOMEN'S ACCESS TO HEALTH CARE ACT.

§33-42-9. Prohibition on abortions motivated by gender of fetus.

Prior to performing any abortion, a medical practitioner shall take reasonable measures to determine the motivation of the woman

1 seeking to abort her fetus. If the sole motivation for seeking to
2 abort the fetus is based on the woman's knowledge of the gender of
3 the fetus, it is unlawful to perform the abortion. Any person who
4 violates the requirements of this section is guilty of a
5 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, it has been completely underscored.