

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 23

**FISCAL
NOTE**

BY SENATORS KARNES AND BOSO

[Introduced January 13, 2016;

Referred to Committee on Health and Human

Resources; and then to the Committee on the

Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto two new
 2 sections, designated §33-42-9 and §33-42-10, all relating to the care of aborted fetuses;
 3 requiring medical facilities that provide abortions to administer anesthesia to an unborn
 4 fetus when aborted if it is older than seven weeks; requiring all available medical means
 5 to be used to preserve the life of a fetus if it is alive when aborted; and providing criminal
 6 penalties.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto two
 2 new sections, designated §33-42-9 and §33-42-10, all to read as follows:

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

**§33-42-9. Requirement that certain medical facilities provide anesthesia to unborn babies
 who are aborted, when older than seven weeks.**

1 (a) A facility that provides abortions is responsible for ensuring that anesthesia is
 2 administered to an unborn fetus who is aborted if it is older than seven weeks. The kind of
 3 anesthesia used and the method of administering the anesthesia shall conform to medical
 4 standards used in fetal surgery.

5 (b) A facility or person violating this section is guilty of a misdemeanor and, upon conviction
 6 thereof, shall be fined not less than \$1,000 nor more than \$5,000 and, if an individual, confined
 7 in jail not less than six months nor more than one year, or both fined and confined.

8 (c) Nothing contained in this section endorses, allows, permits or approves of any abortion.

§33-42-10. Requirement to preserve life when fetus aborted alive.

1 (a) If, during the course of an abortion procedure, a fetus is aborted alive, the facility in
 2 which the abortion is performed and all individuals directly involved in performing the abortion
 3 shall use all available medical means to preserve, promote and maintain the life of the fetus.

4 (b) A person who violates the provisions of this section is guilty of a felony and, upon
 5 conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000 or imprisoned in a

6 state correctional facility for not less than one nor more than three years, or both fined and
7 imprisoned.

8 (c) Nothing in this section endorses, allows, permits or approves of any abortion.

NOTE: The purpose of this bill is to require medical facilities that provide abortions to administer anesthesia to an unborn fetus when aborted if it is older than seven weeks. It also provides that when, during the course of an abortion procedure, a fetus is aborted alive, all available medical means must be used to preserve its life. The bill provides criminal penalties for violations.

§33-42-9 and §33-42-10 are new; therefore, they have been completely underscored.