

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2885

By Delegates Dillon, Ross, Chiarelli, Burkhammer,

Thorne and Horst

[Introduced January 20, 2023; Referred to the
Committee on Health and Human Resources then the
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §16-2S-1, §16-2S-2, §16-2S-3, and §16-2S-4, all relating to the creation of the
 3 Life at Conception Act of 2023; providing for the right to life to be guaranteed to all human
 4 beings; creating a short title; establishing the right to life; providing for definitions, and
 5 providing for certain additional provisions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2S. LIFE AT CONCEPTION ACT.

§16-2S-1. Short title.

1 This article may be cited as the "Life at Conception Act of 2023".

§16-2S-2. Right to Life.

1 (a) In general — To implement equal protection for the right to life of each born and preborn
 2 human person, and pursuant to the duty and authority of the legislative body, including the power
 3 under section 8 of Article I of the Constitution of the United States and Article VI of the Constitution
 4 of the State of West Virginia to make necessary and proper laws and the power under section five
 5 of the 14th Amendment to the Constitution of the United States, we hereby declare that the right to
 6 life guaranteed by the Constitutions of the United States and the State of West Virginia is vested in
 7 each human being.

8 (b) Nothing in this article shall be construed to require the prosecution of any woman for the
 9 unintentional death of her unborn child or to prohibit in vitro fertilization as a means of fertility
 10 treatment.

§16-2S-3. Definitions.

1 In this article, the following definitions apply:

2 (a) HUMAN PERSON; HUMAN BEING — The terms "human," "human person" and
 3 "human being" include each member of that certain distinct, separate, and preeminent set of
 4 divinely created beings commonly and collectively known and referred to as humans or humanity,
 5 consisting of two sexes, male and female, which are mutually dependent for procreation; which

6 are also that same set of divinely created beings descended from the first humans, Adam and Eve,
 7 as indicated in the historical record and genealogy provided in the Biblical Book of Genesis; which
 8 are also that same set of ambitious, creative, intellectual, and ingenuitive beings by which the
 9 great civilizations of the world have been founded and populated, the nature of which the
 10 structures, monuments, and various artifacts of humankind bear witness; and the acts of which are
 11 also recorded in the annals of human history; and

12 (b) STATE — For purposes of applying the 14th Amendment to the Constitution of the
 13 United States and other applicable provisions of the Constitution to carry out §16-2P-2 of this
 14 code, the term "State" is defined as the State of West Virginia.

§16-2S-4. Additional provisions.

1 (a) Nothing in this section shall be construed as to imply legal consent for human cloning in
 2 the State of West Virginia. Any reference to cloning is exclusively to clarify that living humans
 3 which come into existence, through legal or illegal means, must receive equal protection.

4 (b) Nothing in this section shall be construed as to deny the full humanity of those with rare
 5 and uncommon genetic conditions, including, but not limited to, a higher or lower number of
 6 chromosomes than the 46 typical of a human, or other genetic irregularities.

7 (c) The terms "male" and "female," with regard to the context of procreation, recognizes the
 8 general rule in nature regarding sexual reproduction. Nothing in this section shall be construed as
 9 to deny the full humanity, personhood, or full rights of individuals who are physically incapable of
 10 reproduction, choose abstinence, or use traditional pre-fertilization contraception methods.

NOTE: The purpose of this bill is to guarantee the right to life to all human beings and to provide definitions.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.