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

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

§16-2S-2. Right to Life.

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

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

§16-2S-3. Definitions.

In this article, the following definitions apply:

(a) HUMAN PERSON; HUMAN BEING — The terms "human," "human person" and "human being" include each member of that certain distinct, separate, and preeminent set of divinely created beings commonly and collectively known and referred to as humans or humanity, consisting of two sexes, male and female, which are mutually dependent for procreation; which
are also that same set of divinely created beings descended from the first humans, Adam and Eve, as indicated in the historical record and genealogy provided in the Biblical Book of Genesis; which are also that same set of ambitious, creative, intellectual, and ingenuitive beings by which the great civilizations of the world have been founded and populated, the nature of which the structures, monuments, and various artifacts of humankind bear witness; and the acts of which are also recorded in the annals of human history; and

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

§16-2S-4. Additional provisions.

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

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

(c) The terms "male" and "female," with regard to the context of procreation, recognizes the general rule in nature regarding sexual reproduction. Nothing in this section shall be construed as to deny the full humanity, personhood, or full rights of individuals who are physically incapable of 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.