

HB 386 -- Abortion Ban for Sex Selection and Genetic Abnormalities Act

Sponsor: McCaherty

This bill establishes the Abortion Ban for Sex Selection and Genetic Abnormalities Act of 2013. In its main provisions, the bill:

- (1) Prohibits a person from intentionally performing or attempting to perform an abortion with the knowledge that the pregnant woman is seeking the abortion solely due to the sex of the unborn child or because the unborn child has been diagnosed with a genetic abnormality or a potential for a genetic abnormality;
- (2) Specifies that any physician or other person who intentionally or knowingly performs or attempts to perform an abortion prohibited by the act is guilty of a class A misdemeanor unless the person has previously pled guilty to or been convicted of a violation of the act, in which case the person is guilty of a class D felony;
- (3) Specifies that a pregnant woman on whom a prohibited abortion has been performed, the parent or legal guardian of the woman if she is an unemancipated minor, or the legal guardian or conservator if the woman has been adjudged incompetent may commence a civil action for any knowing or reckless violation of the act and seek actual and punitive damages;
- (4) Specifies that a physician who performs an abortion in violation of the act must be considered to have engaged in unprofessional conduct for which his or her license must be suspended or revoked by the State Board of Healing Arts within the Department of Insurance, Financial Institutions and Professional Registration; and
- (5) Requires a court to preserve the anonymity of any woman who brings a civil proceeding or action for a violation of these provisions unless she gives her consent to the disclosure.