

HB 439 -- ABORTION BAN FOR SEX SELECTION AND GENETIC ABNORMALITIES

SPONSOR: Koenig

This bill establishes the Abortion Ban for Sex Selection and Genetic Abnormalities Act of 2014. 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. Any physician or person who intentionally or knowingly violates these provisions will be liable for damages and must, if applicable, have his or her medical license suspended or revoked;

(3) Specifies that a pregnant woman upon 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 Registration for the Healing Arts within the Department of Insurance, Financial Institutions and Professional Registration. A cause of action for injunctive relief against any physician or other person who had knowingly violated these provisions may be maintained by specified individuals. Any physician or other person who knowingly violates the terms of an injunction issued under these provisions must be subject to civil contempt and must be fined at least \$1,000; 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.