

HOUSE AMENDMENT NO. _____
TO
HOUSE AMENDMENT NO. _____

Offered By

1 AMEND House Amendment No. _____ to House Bill No. 126, Page 8 Line 2, by deleting said line
2 and inserting in lieu thereof the following:

3
4 "performed or induced in the previous calendar year.

5 188.375. 1. This section shall be known and may be cited as the "Late-Term Pain-Capable
6 Unborn Child Protection Act".

7 2. As used in this section, the phrase "late-term pain-capable unborn child" shall mean an
8 unborn child at twenty weeks since the first day of the woman's last menstrual period, at which point
9 an unborn child is capable of feeling pain.

10 3. Notwithstanding any other provision of law to the contrary, no abortion shall be
11 performed or induced upon a woman carrying a late-term pain-capable unborn child, except in cases
12 of medical emergency. Any person who knowingly performs or induces an abortion of a late-term
13 pain-capable unborn child in violation of this subsection shall be guilty of a class B felony, as well
14 as subject to suspension or revocation of his or her professional license by his or her professional
15 licensing board. A woman upon whom an abortion is performed or induced in violation of this
16 subsection shall not be prosecuted for a conspiracy to violate the provisions of this subsection.

17 4. It shall be an affirmative defense for any person alleged to have violated the provisions of
18 subsection 3 of this section that the person performed or induced an abortion because of a medical
19 emergency. The defendant shall have the burden of persuasion that the defense is more probably
20 true than not.

21 5. When in cases of medical emergency a physician performs or induces an abortion upon a
22 woman carrying a late-term pain-capable unborn child, the physician shall utilize the available
23 method or technique of abortion most likely to preserve the life or health of the unborn child. In
24 cases where the method or technique of abortion most likely to preserve the life or health of the
25 unborn child would present a greater risk to the life or health of the woman than another legally
26 permitted and available method or technique, the physician may utilize such other method or
27 technique. In all cases where the physician performs or induces an abortion upon a woman carrying
28 a late-term pain-capable unborn child, the physician shall certify in writing the available method or
29 techniques considered and the reasons for choosing the method or technique employed.

30 6. When in cases of medical emergency a physician performs or induces an abortion upon a
31 woman carrying a late-term pain-capable unborn child, there shall be in attendance a physician other
32 than the physician performing or inducing the abortion who shall take control of and provide
33 immediate medical care for a child born as a result of the abortion.

34 7. Any physician who knowingly violates any of the provisions of subsections 5 or 6 shall

Action Taken _____ Date _____

1 be guilty of a class D felony, as well as subject to suspension or revocation of his or her professional
2 license by his or her professional licensing board. A woman upon whom an abortion is performed
3 or induced in violation of subsections 5 or 6 shall not be prosecuted for a conspiracy to violate the
4 provisions of those subsections."; and"; and
5

6 Further amend said bill by amending the title, enacting clause, and intersectional references
7 accordingly.

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9 THIS AMENDMENT AMENDS 0461H01.13H.