

Rep. Hagan, Rock. 4
Rep. Rouillard, Hills. 6
Rep. Wuelper, Straf. 3
February 14, 2017
2017-0440h
01/04

Amendment to HB 578-FN

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT relative to abortions after viability.

4
5 Amend the bill by replacing all after the enacting clause with the following:

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7 1 Statement of Finding. The general court finds that it is the purpose of the state of New
8 Hampshire to assert a compelling state interest in protecting the lives of viable unborn fetuses.

9 2 New Chapter; Viable Fetus Protection Act. Amend RSA by inserting after chapter 132-A the
10 following new chapter:

11 CHAPTER 132-B

12 VIABLE FETUS PROTECTION ACT

13 132-B:1 Title. This chapter shall be known and may be cited as the "viable fetus protection
14 act."

15 132-B:2 Definitions. In this chapter:

16 I. "Abortion" means the use or prescription of any instrument, medicine, drug, or any other
17 substance or device intentionally to terminate the pregnancy of a female known to be pregnant with
18 an intention other than to increase the probability of a live birth, to preserve the life or health of the
19 child after live birth, or to remove an ectopic pregnancy or the products from a spontaneous
20 miscarriage.

21 II. "Viability" means the point in pregnancy when, in the good faith medical judgment of a
22 physician, there is reasonable likelihood of the fetus' sustained survival outside the uterus without
23 the application of extraordinary medical measures.

24 132-B:3 Abortion After Viability Prohibited; Exception.

25 I. The determination of viability shall be solely that of the treating physician after
26 consultation with and examination of the pregnant woman.

27 II. No abortion shall be performed upon a pregnant woman after viability of the fetus
28 except when necessary to preserve the life or health of the pregnant woman, in cases of Twin to
29 Twin Transfusion Syndrome cases, or to remove a fetus with severe anomalies incompatible with
30 life.

31 III. The physician, when performing an abortion to preserve the life or health of the

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1 pregnant woman, shall make every effort to preserve the life of the viable fetus.

2 IV. All post viability abortions shall be performed by a physician licensed pursuant to RSA
3 329.

4 132-B:4 Applicability. Nothing in this chapter shall be construed to change accepted medical
5 practice pursuant to RSA 326-B:11 relating to abortions prior to fetal viability or termination of
6 pregnancy pursuant to RSA 132:32 - RSA 132:36.

7 132-B:5 Disciplinary Action. Any physician who performs an abortion in violation of this
8 chapter shall be subject to disciplinary action under RSA 329.

9 3 Effective Date. This act shall take effect January 1, 2018.

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AMENDED ANALYSIS

This bill establishes the viable fetus protection act which prohibits abortions after viability.