

BILL SUMMARY
2nd Session of the 58th Legislature

Bill No.:	HB4111
Version:	PCS1
Request Number:	10394
Author:	Vancuren
Date:	2/17/2022
Impact:	Please see previous summary of this measure

Research Analysis

The committee substitute to HB 4111 modifies the crime of murder in the first degree to include persons who performs or assists with any abortion procedures and persons who intentionally receive abortions. The measure also modifies other criminal acts to remove exceptions for abortions.

The measure repeals the following provisions of Title 63:

[§ 1-730. Definitions](#)

[§ 1-731. Persons Who May Perform Abortions - Violations - Penalties](#)

[§ 1-731.2. Abortion Solely on Account of Sex of Unborn Child - Penalties - Civil Action - Anonymity of the Female](#)

[§ 1-731.3. Detectable Heartbeat - Grounds to Abort](#)

[§ 1-732. Viable Fetus - Grounds to Abort - Procedure](#)

[§ 1-733. Self-Induced Abortions](#)

[§ 1-734. Live-Born Fetus - Care and Treatment](#)

[§ 1-735. Sale of Child, Unborn Child or Remains of Child - Experiments](#)

[§ 1-736. Hospitals - Advertising of Counseling to Pregnant Women](#)

[§ 1-737. Hospitals Which May Perform Abortions](#)

[§ 1-737.4. Requiring Signing in Abortion Facilities](#)

[§ 1-737.5. Failure to Post - Civil Penalty - Emotional Damages for Injuries Caused](#)

[§ 1-737.6. Minors Informed Orally - Records](#)

[§ 1-730. Definitions](#)

[§ 1-731. Persons Who May Perform Abortions - Violations - Penalties](#)

[§ 1-731.1. Repealed](#)

[§ 1-731.2. Abortion Solely on Account of Sex of Unborn Child - Penalties - Civil Action - Anonymity of the Female](#)

[§ 1-731.3. Detectable Heartbeat - Grounds to Abort](#)

[§ 1-732. Viable Fetus - Grounds to Abort - Procedure](#)

[§ 1-733. Self-Induced Abortions](#)

[§ 1-734. Live-Born Fetus - Care and Treatment](#)

[§ 1-735. Sale of Child, Unborn Child or Remains of Child - Experiments](#)

[§ 1-736. Hospitals - Advertising of Counseling to Pregnant Women](#)

[§ 1-737. Hospitals Which May Perform Abortions](#)

[§ 1-737.1. Repealed](#)

[§ 1-737.2. Repealed](#)

[§ 1-737.3. Repealed](#)

[§ 1-737.4. Requiring Signing in Abortion Facilities](#)

[§ 1-737.5. Failure to Post - Civil Penalty - Emotional Damages for Injuries Caused](#)

[§ 1-737.6. Minors Informed Orally - Records](#)

[§ 1-738i. Short Title](#)

[§ 1-738j. Definitions - Forms and Laws to be Posted on Website of State Department of Health - Electronic Submission of Forms](#)

[§ 1-738k. Individual Abortion Form - Department to Post Individual Abortion Forms on Website](#)

[§ 1-738l. Complications of Induced Abortion Report - Sample Form](#)

[§ 1-738m. Annual Abortion Report - Annual Judicial Bypass of Abortion Parental Consent Summary Report](#)

[§ 1-738n. Notice of Act Requirements - Failure to Submit Forms or Reports - Penalties - Compliance - Rules](#)

[§ 1-738o. Authority to Intervene by Right](#)

[§ 1-738p. Judicial Order Restraining or Enjoining Statistical Abortion Reporting Act](#)

[§ 1-738q. Effect of Temporary or Permanent Judicial Restraining Order or Injunction](#)

[§ 1-738.1A. Definitions](#)

[§ 1-738.2. Voluntary and Informed Consent - Compliance by Physicians - Confirmation of Receipt of Medical Risk Information](#)

[§ 1-738.3. Publication and Availability of Printed Informational Materials](#)

[§ 1-738.3a. Department of Health Web Site - Physician Reporting Requirements - Form for Physician - Notice - Rules](#)

[§ 1-738.3d. Ultrasound Required Prior to Procedure - Written Certification - Medical Emergency Exception](#)

[§ 1-738.3e. Violation of Ultrasound Requirement - Injunctive Relief - Action for Damages - License Suspension](#)

[§ 1-738.3f. Civil Action Against Abortion Provider and Others for Negligent Violations of State Statutes](#)

[§ 1-738.3g. Judgment for Costs and Fees](#)

[§ 1-738.3h. Anonymity of Female](#)

[§ 1-738.3i. Statute of Limitations](#)

[§ 1-738.3j. Act Does Not Create or Recognize Right to Abortion - Act Does Not Apply to Hospital with Dedicated Emergency Department](#)

[§ 1-738.3k. Severability](#)

[§ 1-738.4. Abortion Compelled by Medical Emergency](#)

[§ 1-738.5. Performing or Attempting an Abortion in Violation of Act - No Penalty Assessed Against the Woman - Felony](#)

[§ 1-738.5a. Severability](#)

[§ 1-738.6. Short Title](#)

[§ 1-738.7. Definitions](#)

[§ 1-738.8. Provision of Information Prior to Abortion - Written Certification of Receipt](#)

[§ 1-738.9. Information About and Administration of Anesthetic or Analgesic](#)

[§ 1-738.10. Materials Conveying Accurate, Scientific Information About Fetus at Various Gestational Stages](#)

[§ 1-738.11. Internet Website](#)

[§ 1-738.12. Information to be Provided When Medical Emergency Compels Performance of Abortion](#)

[§ 1-738.13. Physicians' Reporting Form](#)

[§ 1-738.14. Violations - Penalties](#)

[§ 1-738.15. Civil Actions](#)

[§ 1-738.16. Ruling Concerning Public Disclosure of Identity of Female - Order](#)

[§ 1-738.17. Severability](#)

[§ 1-739. Records](#)

[§ 1-740. Abortion on Minor Without Parental Consent](#)

[§ 1-740.1. Definitions](#)

[§ 1-740.2. Parental Notification](#)
[§ 1-740.2A. Court-Ordered Evaluation and Counseling Session with a Mental Health Professional - Purpose - Report to Court](#)
[§ 1-740.3. Judicial Authorization of Abortion Without Parental Notification - Participation by Minor in Court Proceedings - Confidentiality - Appeal](#)
[§ 1-740.4. Violations - Misdemeanor - Civil Actions](#)
[§ 1-740.4a. Physicians Reporting Procedures for Abortions Performed on Unemancipated Minors - Department of Health Web Site - Notice - Public Statistical Report](#)
[§ 1-740.4b. Criminal Violations - Penalties - Defenses - Civil Liability - Injunction](#)
[§ 1-740.5. Severability - Savings Clause](#)
[§ 1-740.6. Effect of Court Injunction, Suspension, or Delays of Implementation of Act](#)
[§ 1-741.3. Health Plans - Coverage for Abortion - Elective Abortion Coverage - Employers](#)
[§ 1-744. Short Title](#)
[§ 1-744.1. Definitions](#)
[§ 1-744.2. Written Notice Required for Unemancipated Minors and Females Found to be Incompetent](#)
[§ 1-744.3. Exception from Advance Notice Requirement in Cases of Medical Emergency](#)
[§ 1-744.4. Exceptions from Notice Requirement - Prior Notice - Victims of Sexual or Physical Abuse](#)
[§ 1-744.5. Violations - Misdemeanor - Civil Actions](#)
[§ 1-744.6. Effect of Restraining Order or Injunction](#)
[§ 1-745.1. Short Title](#)
[§ 1-745.2. Definitions](#)
[§ 1-745.3. Legislative Findings](#)
[§ 1-745.4. Probable Postfertilization Age of Unborn Child - Unprofessional Conduct](#)
[§ 1-745.5. Prohibited Abortions - Physician Judgment](#)
[§ 1-745.6. Physician Reporting Requirements - Department of Health Report - Fines](#)
[§ 1-745.7. Violation of Act](#)
[§ 1-745.8. Liability - Cause of Action - Judgment and Attorney Fees - Damages](#)
[§ 1-745.9. Civil and Criminal Proceedings Brought Under Act](#)
[§ 1-745.10. Constitutionality and Severability](#)
[§ 1-745.11. No Right to Abortion by Act](#)
[§ 1-745.12. Short Title](#)
[§ 1-745.13. Definitions](#)
[§ 1-745.14. Duties of Abortion Providers](#)
[§ 1-745.15. Exceptions - Averting Mother's Death - Medical Emergencies](#)
[§ 1-745.16. Intentional or Reckless Violations of Act - Misdemeanor - Civil Action - Remedies](#)
[§ 1-745.17. Anonymity of Woman](#)
[§ 1-745.18. Act Does Not Create or Recognize Right to Abortion](#)
[§ 1-745.19. Severability](#)
[§ 1-746.1. Definitions](#)
[§ 1-746.2. Informed and Voluntary Consent - Duty to Provide Information to Female Seeking Abortion - Certification of Receipt](#)
[§ 1-746.3. Online Publication of Information and Materials](#)
[§ 1-746.4. Public Website](#)
[§ 1-746.5. Notification by Physician of Medical Emergency that Compels Performance of Abortion](#)
[§ 1-746.6. Reporting by Physicians - Forms](#)
[§ 1-746.7. Penalties for Violations of Act](#)
[§ 1-746.8. Civil Action by Female, Father, or Grandparent Following Unlawful Abortion](#)

[§ 1-746.9. Criminal and Civil Actions - Court to Rule on Anonymity of Female Upon Whom Abortion Performed](#)

[§ 1-746.10. Severability](#)

[§ 1-748. Standards for Abortion Facilities - Physician with Admitting Privileges - Training of Assistants - Patient Screening and Evaluation - Abortion Procedure and Post Procedure Follow-up Care - Records and Reports - Penalties for Violations](#)

[§ 1-749. Abortion on Minor Less Than Fourteen Years of Age](#)

[§ 1-749.1. Inspections and Investigations of Facilities - Complaints - Denial, Suspension, or Revocation of License](#)

[§ 1-750. Criminal and Civil Penalties for Violations](#)

[§ 1-753. Distribution of Information and Materials Concerning Nature of and Alternatives to Abortion](#)

[§ 1-756.1. Short Title](#)

[§ 1-756.2. Definitions](#)

[§ 1-756.3. Abortion-Inducing Drugs Must Be Provided by Qualified Physician](#)

[§ 1-756.4. Duties of Qualified Physician](#)

[§ 1-756.5. No Abortion-Inducing Drugs Provided in School Facility or State Grounds](#)

[§ 1-756.6. Informed Consent - Exceptions - Consent Form - Qualified Physician Declaration](#)

[§ 1-756.7. Distribution of Information and Materials Concerning Abortion Pill Reversal - Physician Requirement to Inform About Reversal](#)

[§ 1-756.8. Report of Drug-Induced Abortions Performed - Report of Adverse Event - Annual Statistical Report - Disclosure of Data and Reports - Notice of Reporting Requirements](#)

[§ 1-756.9. State Department of Health - Forms](#)

[§ 1-756.10. Criminal Actions](#)

[§ 1-756.11. Civil and Professional Disciplinary Actions](#)

[§ 1-756.12. No Right to Abortion by Act](#)

[§ 1-756.13. Legislative Right to Intervene in Action Challenging Constitutionality](#)

[§ 1-756.14. Severability](#)

[§ 1-757.1. Short Title](#)

[§ 1-757.2. Definitions](#)

[§ 1-757.3. To Whom this Act Applies](#)

[§ 1-757.4. State Boards Create Program - Abortion-inducing Drugs not Provided Outside of the Program](#)

[§ 1-757.5. Rules - Requirements for Manufacturers and Distributors - Requirements for Physicians](#)

[§ 1-757.6. Manufacturers and Distributors - Certification Eligibility Requirements](#)

[§ 1-757.7. Physicians - Certification Eligibility Requirements](#)

[§ 1-757.8. Certified Physicians - Requirements](#)

[§ 1-757.9. Electronically Based Reporting - Requirements](#)

[§ 1-757.10. Violations - Criminal Penalties](#)

[§ 1-757.11. Violations - Remedies](#)

[§ 1-757.12. Enforcement by State Boards - Private Right of Action to Seek Restitution](#)

[§ 1-757.13. Complaint Portals - List Names of Manufacturers, Distributors and Physicians - Confidentiality](#)

[§ 1-757.14. Act Does Not Create a Right to Abortion, Make Lawful Otherwise Unlawful Abortions, or Repeal, Replace or Otherwise Invalidate Existing Federal or State Laws, Regulations or Policies](#)

[§ 1-757.15. Intervention in Cases of Constitutionality Challenges](#)

[§ 1-757.16. Severability](#)

Prepared By: Brad Wolgamott

Fiscal Analysis

The measure is currently under review and impact information will be completed.

Prepared By: Mark Tygret

Other Considerations

None.