

1 SB438
2 138673-2
3 By Senators Waggoner and Reed
4 RFD: Health
5 First Read: 20-MAR-12

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8 SYNOPSIS: This bill would provide that a physician is
9 not required to make a determination of the
10 probable post-fertilization age of an unborn child
11 prior to any procedure other than an abortion.

12 This bill would specify that the reporting
13 requirements for reporting fetal deaths and
14 pregnancy terminations shall be construed to
15 require a report of the probable post-fertilization
16 age only for abortion procedures.

17 This bill would also provide that the term
18 "abortion," when used in the Code of Alabama 1975,
19 or in the Alabama Administrative Code, shall not be
20 construed to include any procedure to terminate an
21 ectopic pregnancy, unless the statutory provision
22 or rule expressly states that it is intended to
23 apply to an ectopic pregnancy.

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25 A BILL
26 TO BE ENTITLED
27 AN ACT

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2 To provide that a physician is not required to make
3 a determination of the probable post-fertilization age of an
4 unborn child prior to any procedure other than an abortion; to
5 specify that the reporting requirements for reporting fetal
6 deaths and pregnancy terminations shall be construed to
7 require a report of the probable post-fertilization age only
8 for abortion procedures; and to provide that the term
9 "abortion," when used in the Code of Alabama 1975, or in the
10 Alabama Administrative Code, shall not be construed to include
11 any procedure to terminate an ectopic pregnancy, unless the
12 statutory provision or rule expressly states that it is
13 intended to apply to an ectopic pregnancy.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. For the purposes of this act, the term
16 ectopic pregnancy means any pregnancy resulting from a
17 fertilized egg that has implanted or attached outside the
18 uterus. The term also includes a pregnancy resulting from a
19 fertilized egg implanted inside the cornu of the uterus.

20 Section 2. The term "abortion," when used in the
21 Code of Alabama 1975, or in the Alabama Administrative Code,
22 shall not be construed to include any procedure to terminate
23 an ectopic pregnancy, unless the statutory provision or rule
24 expressly states that it is intended to apply to a procedure
25 to terminate an ectopic pregnancy.

26 Section 3. The requirement of Section 26-23B-4, Code
27 of Alabama 1975, for a physician to make a determination of

1 the probable post-fertilization age of the unborn child prior
2 to an abortion shall apply only to abortion procedures. The
3 requirements of Section 22-9A-13, Code of Alabama 1975, for
4 reporting fetal deaths and pregnancy terminations shall be
5 construed to require a report of the probable
6 post-fertilization age only for abortion procedures.

7 Section 4. This act shall become effective
8 immediately following its passage and approval by the
9 Governor, or its otherwise becoming law.