

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 4109

(SENATE AUTHORS: MATHEWS)

DATE
05/19/2018

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OFFICIAL STATUS
Introduction and first reading
Referred to Health and Human Services Finance and Policy

1.1 A bill for an act
1.2 relating to health; prohibiting abortions when a fetal heartbeat is detected; providing
1.3 penalties; proposing coding for new law in Minnesota Statutes, chapter 145.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **[145.417] ABORTION PROHIBITED WHEN FETAL HEARTBEAT**
1.6 **DETECTED.**

1.7 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

1.8 (b) "Abortion" means the use or prescription of any instrument, medicine, drug, or other
1.9 substance or device to intentionally terminate the pregnancy of a woman known to be
1.10 pregnant, with an intention other than to increase the probability of a live birth, preserve
1.11 the life or health of the child after birth, or remove a dead fetus.

1.12 (c) "Fetal heartbeat" means the steady and repetitive rhythmic contraction of the fetal
1.13 heart within the gestational sac.

1.14 (d) "Medical emergency" means any condition that, on the basis of the physician's good
1.15 faith clinical judgment, so complicates the condition of the pregnant woman as to necessitate
1.16 the immediate abortion of her pregnancy to avert her death or for which a delay creates a
1.17 serious risk of substantial and irreversible impairment of a major bodily function.

1.18 (e) "Physician" means a person licensed as a physician or osteopathic physician under
1.19 chapter 147.

1.20 (f) "Unborn child" means a member of the species Homo sapiens from fertilization until
1.21 birth.

2.1 Subd. 2. **Prohibition.** (a) Except in the case of a medical emergency, a physician must
2.2 first test a pregnant woman to determine if a fetal heartbeat is detectable in the pregnant
2.3 woman's unborn child before performing an abortion. In testing for a detectable fetal
2.4 heartbeat, the physician shall perform an abdominal ultrasound according to standard medical
2.5 practice and including the use of medical devices.

2.6 (b) A physician shall not perform an abortion on a pregnant woman when it has been
2.7 determined that the unborn child has a detectable fetal heartbeat, except in the case of a
2.8 medical emergency.

2.9 Subd. 3. **Penalty.** A violation of this section is a gross misdemeanor punishable by
2.10 imprisonment for not more than one year or to payment of a fine of not more than \$3,000,
2.11 or both.

2.12 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
2.13 committed on or after that date.