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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO HEALTH AND SAFETY

Introduced By: Senators Goodwin, McCaffrey, Walaska, and DiPalma

Date Introduced: February 16, 2011

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 4.13

4 ABORTIONS SOLELY AS A MEANS OF SEX SELECTION

5 **23-4.13-1. Definitions.** -- For purposes of this chapter the following definitions apply:

6 (1) "Abortion" means the use or prescription of any instrument, medicine, drug, or any
7 other substance or device to terminate the pregnancy of a woman known to be pregnant with an
8 intention other than to increase the probability of a live birth, to preserve the life or health of the
9 child after live birth, or to remove a dead unborn child who died as the result of natural causes in
10 utero, accidental trauma, or a criminal assault on the pregnant woman or her unborn child, and
11 which causes the premature termination of the pregnancy.

12 (2) "Attempt to perform an abortion" means to do or omit to do anything that, under the
13 circumstances as the actor believes them to be, is an act or omission constituting a substantial step
14 in a course of conduct planned to culminate in an abortion. Such substantial steps include, but are
15 not limited to: (1) Agreeing with an individual to perform an abortion on that individual or on
16 some other person, whether or not the term "abortion" is used in the agreement, and whether or
17 not the agreement is contingent on another factor such as receipt of payment or a determination of
18 pregnancy; (2) Scheduling or planning a time to perform an abortion on an individual, whether or
19 not the term "abortion" is used, and whether or not the performance is contingent on another

1 factor such as receipt of payment or a determination of pregnancy. This definition shall not be
2 construed to require that an abortion procedure actually be initiated for an attempt to occur.

3 **23-4.13-2. Abortions as a means of sex selection.** -- No person shall intentionally
4 perform or attempt to perform an abortion with knowledge that the pregnant woman is seeking
5 the abortion solely on account of the sex of the unborn child. Nothing in this chapter shall be
6 construed to proscribe the performance of an abortion because the unborn child has a genetic
7 disorder which is sex-linked.

8 **23-4.13-3. Civil damages for abortions as a method of sex selection.** -- Any person
9 upon whom an abortion unlawful under section 23-4.13-2 was performed, the father of the unborn
10 child who was the subject of such an abortion, or the grandparent of such an unborn child may
11 maintain an action against the person who performed the abortion for ten thousand dollars
12 (\$10,000) in punitive damages and treble whatever actual damages the plaintiff may have
13 sustained. No person shall be estopped from recovery in such a suit on the ground that either the
14 plaintiff or the person upon whom the abortion was performed gave consent to the abortion.

15 **23-4.13-4. Privacy of woman upon whom an abortion is performed or attempted.** –
16 In every proceeding or action brought under this chapter, the anonymity of any woman upon
17 whom an abortion is performed or attempted shall be preserved from public disclosure unless she
18 gives her consent to such disclosure. The court, upon motion or sua sponte, shall issue orders to
19 the parties, witnesses, and counsel, and shall direct the sealing of the record and exclusion of
20 individuals from courtrooms or hearing rooms, to the extent necessary to safeguard her identity
21 from public disclosure. In the absence of written consent of the woman upon whom an abortion
22 has been performed or attempted, anyone who brings an action under section 23-4.13-3 shall do
23 so under a pseudonym.

24 **23-4.13-5. Construction.** -- (a) Nothing in this chapter shall be construed as creating or
25 recognizing a right to abortion.

26 (b) It is not the intention of this chapter to make lawful an abortion that is currently
27 unlawful.

28 **23-4.13-6. Severability.** -- If any provision, word, phrase, or clause of this chapter or the
29 application thereof to any person or circumstance is held invalid, such invalidity shall not affect
30 the provisions, words, phrases, clauses or applications of this chapter which can be given effect
31 without the invalid provision, word, phrase, clause, or application and to this end, the provisions,
32 words, phrases, and clauses of this chapter are declared to be severable. If the application of this
33 law to the period of pregnancy prior to viability is held invalid, then such invalidity shall not
34 affect its application to the period of pregnancy subsequent to viability.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
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- 1 This act would ban abortions solely as a means of sex selection.
- 2 This act would take effect upon passage.

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