

HB80 INTRODUCED



1 HB80
2 PAHSGRG-1
3 By Representative Givan
4 RFD: Judiciary
5 First Read: 06-Feb-24
6 PFD: 01-Feb-24



SYNOPSIS:

Under existing law, abortion is prohibited except to prevent a serious health risk to the unborn child's mother.

This bill would authorize an abortion necessary to preserve the life of the unborn child's mother.

This bill would require that, if an abortion is required to preserve the health of an unborn child's mother, the father of the unborn child must pay for all medical expenses related to the pregnancy and the abortion, unless the mother waives the payment requirement.

This bill would authorize a district court to adjudicate paternity if an alleged father who is required to pay expenses disputes paternity.

This bill would also authorize the father of an unborn child who is required to pay expenses to petition the district court for relief, and would authorize the district court to grant relief on the condition that the father agrees to undergo a vasectomy.

A BILL
TO BE ENTITLED



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AN ACT

Relating to abortion; to amend Sections 26-23H-3 and 26-23H-4, Code of Alabama 1975; to add Section 26-23H-4.1 to the Code of Alabama 1975; to authorize an abortion to preserve the life of the unborn child's mother; to require the father to pay for an abortion required to preserve the life of the mother and certain other medical expenses, unless the mother waives the requirement; to authorize a district court to adjudicate disputed paternity; to authorize the father to petition the district court for relief; and to authorize the district court to grant relief if the father agrees to undergo a vasectomy.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 26-23H-3 and 26-23H-4, Code of Alabama 1975, are amended to read as follows: FIX THIS

"§26-23H-3

As used in this chapter, the following terms~~shall~~ have the following meanings:

(1) ABORTION. The use or prescription of any instrument, medicine, drug, or any other substance or device with the intent to terminate the pregnancy of a woman known to be pregnant with knowledge that the termination by those means will with reasonable likelihood cause the death of the unborn child. The term does not include these activities if done with the intent to save the life or preserve the health of an unborn child, remove a dead unborn child, to deliver the unborn child prematurely to~~avoid a serious health risk to~~



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preserve the health of the unborn child's mother, or to preserve the health of her unborn child. The term does not include a procedure or act to terminate the pregnancy of a woman with an ectopic pregnancy, nor does it include the procedure or act to terminate the pregnancy of a woman when the unborn child has a lethal anomaly.

(2) ECTOPIC PREGNANCY. Any pregnancy resulting from either a fertilized egg that has implanted or attached outside the uterus or a fertilized egg implanted inside the cornu of the uterus.

(3) LETHAL ANOMALY. A condition from which an unborn child would die after birth or shortly thereafter or be stillborn.

(4) MAN. A male human being, whether or not he has reached the age of majority.

~~(4)~~ (5) MEDICAL EMERGENCY. A condition which, in reasonable medical judgment, so complicates the medical condition of the pregnant woman that her pregnancy must be terminated to avoid a serious health risk as defined in this chapter.

~~(5)~~ (6) PHYSICIAN. A person licensed to practice medicine and surgery or osteopathic medicine and surgery in Alabama.

~~(6) SERIOUS HEALTH RISK TO THE UNBORN CHILD'S MOTHER. In reasonable medical judgment, the child's mother has a condition that so complicates her medical condition that it necessitates the termination of her pregnancy to avert her death or to avert serious risk of substantial physical~~



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~~impairment of a major bodily function. This term does not include a condition based on a claim that the woman is suffering from an emotional condition or a mental illness which will cause her to engage in conduct that intends to result in her death or the death of her unborn child. However, the condition may exist if a second physician who is licensed in Alabama as a psychiatrist, with a minimum of three years of clinical experience, examines the woman and documents that the woman has a diagnosed serious mental illness and because of it, there is reasonable medical judgment that she will engage in conduct that could result in her death or the death of her unborn child. If the mental health diagnosis and likelihood of conduct is confirmed as provided in this chapter, and it is determined that a termination of her pregnancy is medically necessary to avoid the conduct, the termination may be performed and shall be only performed by a physician licensed in Alabama in a hospital as defined in the Alabama Administrative Code and to which he or she has admitting privileges.~~

(7) UNBORN CHILD, CHILD, OR PERSON. A human being, specifically including an unborn child in utero at any stage of development, regardless of viability.

(8) WOMAN. A female human being, whether or not she has reached the age of majority."

"§26-23H-4

(a) It shall be unlawful for any person to intentionally perform or attempt to perform an abortion except as provided for by subsection (b).



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(b) An abortion shall be permitted if an attending physician licensed in Alabama determines that an abortion is necessary in order to ~~prevent a serious health risk to~~ preserve the health of the unborn child's mother. Except in the case of a medical emergency as defined herein, the physician's determination shall be confirmed in writing by a second physician licensed in Alabama. The confirmation shall occur within 180 days after the abortion is completed and shall be prima facie evidence for a permitted abortion."

Section 2. Section 26-23H-4.1 is added to the Code of Alabama 1975, to read as follows:

§26-23H-4.1

(a) (1) Except as provided in subdivision (2), if an abortion is necessary to preserve the health of an unborn child's mother pursuant to Section 26-23H-4, the unborn child's father shall pay for all medical expenses associated with the pregnancy and the abortion including, but not limited to, expenses associated with any complications resulting from the pregnancy.

(2) The mother of an unborn child for whom an abortion is required to preserve her health may opt not to require payment from the unborn child's father by completing and submitting a waiver to the district court in the county in which she resides. The waiver shall be developed by the Administrative Office of Courts.

(b) A father required to pay for expenses pursuant to subsection (a) may petition the district court for relief from those requirements, provided that the father agrees to undergo



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141 a vasectomy. A man required to undergo a vasectomy under this
142 subsection must provide the court with documentation of the
143 vasectomy.

144 (c) If a man required to pay for expenses pursuant to
145 subsection (a) disputes that he is the father of the unborn
146 child in question, he may petition the district court to
147 adjudicate paternity. If the court determines that the man is
148 the biological father of the unborn child, he must either pay
149 the expenses required by subsection (a) or petition for a
150 grant of relief pursuant to subsection (b).

151 (d) (1) Appropriate venue for a proceeding under this
152 section is the county of this state in which the unborn
153 child's alleged father resides or in which the unborn child's
154 mother resides.

155 (2) Court proceedings under this section shall be given
156 such precedence over other pending matters as is necessary to
157 ensure that the court may reach a decision promptly, but in no
158 case shall the court fail to rule within 48 hours of the time
159 the petition is filed, Saturdays, Sundays, and legal holidays
160 excluded.

161 Section 3. This act shall become effective on October
162 1, 2024.