

WITHDRAWN

Senators Hooks of the 14th and Thompson of the 33rd offered the following amendment:

1 *Amend the Senate Health and Human Services Committee substitute to HB 954 (LC 25*
 2 *6051S) by revising line 3 to read as follows:*

3 amend Title 31 of the Official

4 *By revising line 5 to read as follows:*

5 determination of gestational age prior to abortion; to prohibit abortion under certain
 6 circumstances; to provide for sanctions and civil and administrative proceedings; to provide
 7 for certain reporting

8 *By revising lines 28 and 29 to read as follows:*

9 abortion, is amended by revising Code Section 16-12-140, relating to criminal abortion, as
 10 follows:

11 *By adding quotation marks at the end of line 37.*

12 *By deleting lines 38 through 82.*

13 *By replacing lines 105 through 107 with the following:*

14 (b)(1) No abortion is authorized or shall be performed if the probable gestational age of
 15 the unborn child has been determined in accordance with subsection (a) of this Code
 16 section to be 20 weeks or more unless the abortion is necessary to:

17 (A) Avert the death of the pregnant woman or avert serious risk of substantial and
 18 irreversible physical impairment of a major bodily function of the pregnant woman. No
 19 such condition shall be deemed to exist if it is based on a diagnosis or claim of a mental
 20 or emotional condition of the pregnant woman or that the pregnant woman will
 21 purposefully engage in conduct which she intends to result in her death or in substantial
 22 and irreversible physical impairment of a major bodily function; or

23 (B) Preserve the life of an unborn child.

24 (2) In any case described in subparagraph (A) or (B) of paragraph (1) of this subsection,
 25 the physician shall terminate the pregnancy in the manner which, in reasonable medical
 26 judgment, provides the best opportunity for the unborn child to survive unless, in
 27 reasonable medical judgment, termination of the pregnancy in that manner would pose
 28 a greater risk either of the death of the pregnant woman or of the substantial and

29 irreversible physical impairment of a major bodily function of the pregnant woman than
 30 would another available method. No such greater risk shall be deemed to exist if it is
 31 based on a diagnosis or claim of a mental or emotional condition of the pregnant woman
 32 or that the pregnant woman will purposefully engage in conduct which she intends to
 33 result in her death or in substantial and irreversible physical impairment of a major bodily
 34 function. If the child is capable of sustained life, medical aid then available must be
 35 rendered.

36 (d) Failure by any physician to conform to any requirement of this Code section shall
 37 constitute unprofessional conduct for purposes of paragraph (7) of subsection (a) of Code
 38 Section 43-34-8, relating to medical licensing sanctions.

39 (c) In any civil or administrative action by a party seeking relief or sanctions for an alleged
 40 violation of this Code section, the standard of proof required to establish a violation shall
 41 be clear and convincing evidence.

42 *By replacing lines 109 through 112 with the following:*

43 (a) Any health facility licensed by the department as an abortion facility and at which an
 44 abortion was performed or attempted shall report to the department in accordance with
 45 forms and rules and regulations of the department:

46 *By replacing line 139 with the following:*

47 (c) The department shall ensure that the names and identities of any physicians included
 48 in

49 *By deleting lines 142 through 144.*

50 *By replacing "e" with "d" at the beginning of line 145.*