

Amendment to HB 1609-FN

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT relative to certain provisions of the fetal life protection act requiring an ultrasound
4 examination.
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6 Amend the bill by replacing all after the enacting clause with the following:

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8 1 Fetal Life Protection Act; Prohibitions; Ultrasound Examination Requirement. Amend RSA
9 329:44, I and II to read as follows:

10 I. Except in the case of a medical emergency as specifically defined in paragraph III, no
11 abortion shall be performed, induced, or attempted by any health care provider unless a health care
12 provider has first made a determination of the probable gestational age of the fetus. In making such
13 a determination, the health care provider shall make such inquiries of the pregnant woman and
14 perform or cause to be performed all such medical examinations, imaging studies, and tests as a
15 reasonably prudent health care provider in the community, knowledgeable about the medical facts
16 and conditions of both the woman and the fetus involved, would consider necessary to perform and
17 consider in making an accurate diagnosis with respect to gestational age, provided, however, that
18 the health care provider shall conduct an obstetric ultrasound examination of the patient for the
19 purpose of making the determination. ***This paragraph shall be construed to require the***
20 ***performance of an ultrasound only if the provider either knows that the fetus has a***
21 ***gestational age of at least 24 weeks or is conscious of a substantial risk that the fetus has a***
22 ***gestational age of at least 24 weeks.***

23 II. Except in ***the case of fetal abnormalities incompatible with life, or*** a medical
24 emergency as specifically defined in paragraph III, no health care provider shall knowingly perform,
25 induce, or attempt to perform an abortion upon a pregnant woman when the probable gestational
26 age of her fetus has been determined to be at least 24 weeks or in the absence of a determination by
27 a health care provider pursuant to paragraph I as to the fetus' probable gestational age.

28 2 Effective Date. This act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill provides an exception from the prohibition on abortion after 24 weeks in cases of fetal abnormalities incompatible with life and construes the ultrasound requirement for purposes of determining the gestational age of the fetus.