

Floor 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.

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5 Amend the bill by replacing all after the enacting clause with the following:

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7 1 Fetal Life Protection Act; Definitions; Abortion. Amend RSA 329:43, I to read as follows:

8 I. "Abortion" means the act of using or prescribing any instrument, medicine, drug, or any
9 other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy
10 of a woman with knowledge that the termination by those means will with reasonable likelihood
11 cause the death of the fetus. Such use, prescription, or means is not an abortion if done with the
12 intent to:

13 (a) Save the life or preserve the health of the fetus;

14 (b) Remove a dead fetus caused by spontaneous abortion; ~~or~~

15 (c) Remove an ectopic pregnancy; *or*

16 (d) ***Deliver a fetus diagnosed with any abnormality incompatible with life***
17 ***unless the provider performs an overt act, other than completion of delivery, for the***
18 ***purpose of killing the fetus.***

19 2 Fetal Life Protection Act; Prohibitions Ultrasound Examination Requirement. Amend RSA
20 329:44, I to read as follows:

21 I. Except in the case of a medical emergency as specifically defined in paragraph III, no
22 abortion shall be performed, induced, or attempted by any health care provider unless a health care
23 provider has first made a determination of the probable gestational age of the fetus. In making such
24 a determination, the health care provider shall make such inquiries of the pregnant woman and
25 perform or cause to be performed all such medical examinations, imaging studies, and tests as a
26 reasonably prudent health care provider in the community, knowledgeable about the medical facts
27 and conditions of both the woman and the fetus involved, would consider necessary to perform and
28 consider in making an accurate diagnosis with respect to gestational age, provided, however, that
29 the health care provider shall conduct an obstetric ultrasound examination of the patient for the
30 purpose of making the determination. ***This subdivision shall be construed to require the***
31 ***performance of an ultrasound only if the provider either knows that the fetus has a***

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- 1 *gestational age of at least 24 weeks or is conscious of a substantial risk that the fetus has a*
- 2 *gestational age of at least 24 weeks.*
- 3 3 Effective Date. This act shall take effect upon its passage.

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2022-1680s

AMENDED ANALYSIS

This bill revises the definition of abortion to exclude delivery of a fetus diagnosed with any abnormality incompatible with life. The bill also construes the ultrasound requirement for determining the gestational age of the fetus.