MISSISSIPPI LEGISLATURE                        REGULAR SESSION 2001
By: Senator(s) Ross                        To: Public Health and Welfare

SENATE BILL NO. 2397

1 AN ACT TO CREATE SECTION 41-41-34, MISSISSIPPI CODE OF 1972,
2 TO RESTRICT ABORTION AFTER THE FIRST TRIMESTER; AND FOR RELATED
3 PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:
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6 SECTION 1. The following shall be codified as Section
7
8 41-41-34, Mississippi Code of 1972:
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10 41-41-34. To the extent that a person is entitled to an
11 abortion under the United States Constitution and the Mississippi
12 Constitution of 1890:
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14 (a) Any termination or attempt to terminate a human
15 pregnancy by performing an abortion or causing a miscarriage on
16 any woman during the second trimester of pregnancy and prior to
17 viability of the fetus shall be performed by a physician licensed
18 by the State Board of Medical Licensure either in a hospital as
19 defined in Section 41-9-3 which is licensed by the State
20 Department of Health or in an ambulatory surgical facility as
21 defined in Section 41-75-1 which is licensed by the State
22 Department of Health.
23
24 (b) Any termination of or attempt to terminate a human
25 pregnancy by performing an abortion or causing a miscarriage on
26 any woman in a stage of pregnancy subsequent to viability of the
27 fetus or during the third trimester must meet the following
28 conditions:

29 (i) Said operation must be performed either in a
30 hospital as defined in Section 41-9-3 licensed by the State
31 Department of Health or under the control of the State Board of
32 Mental Health or in an ambulatory surgical facility as defined in
Section 41-75-1 which is licensed by the State Department of Health.

(ii) The physician and two (2) consulting physicians must certify and so enter in the hospital record of the woman that in their medical opinion, based upon their best clinical judgment, the continuation of the pregnancy is likely to result in the death of the woman or substantially and irremediably impair the mental or physical health of the woman.

(iii) Measures for life support for the product of such abortion or miscarriage must be available and utilized if there is any clearly visible evidence of viability.

(c) Nothing in this section shall be construed as conflicting with Section 41-41-73.

SECTION. 2 This act shall take effect and be in force from and after July 1, 2001.