

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:

5 SECTION 1. The following shall be codified as Section
6 41-41-34, Mississippi Code of 1972:

7 41-41-34. To the extent that a person is entitled to an
8 abortion under the United States Constitution and the Mississippi
9 Constitution of 1890:

10 (a) Any termination or attempt to terminate a human
11 pregnancy by performing an abortion or causing a miscarriage on
12 any woman during the second trimester of pregnancy and prior to
13 viability of the fetus shall be performed by a physician licensed
14 by the State Board of Medical Licensure either in a hospital as
15 defined in Section 41-9-3 which is licensed by the State
16 Department of Health or in an ambulatory surgical facility as
17 defined in Section 41-75-1 which is licensed by the State
18 Department of Health.

19 (b) Any termination of or attempt to terminate a human
20 pregnancy by performing an abortion or causing a miscarriage on
21 any woman in a stage of pregnancy subsequent to viability of the
22 fetus or during the third trimester must meet the following
23 conditions:

24 (i) Said operation must be performed either in a
25 hospital as defined in Section 41-9-3 licensed by the State
26 Department of Health or under the control of the State Board of
27 Mental Health or in an ambulatory surgical facility as defined in

28 Section 41-75-1 which is licensed by the State Department of
29 Health.

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

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

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

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