

By: Senator(s) McDaniel

To: Public Health and Welfare

SENATE BILL NO. 2616

1 AN ACT TO BAN ABORTIONS ON A WOMAN SEEKING THE ABORTION  
2 SOLELY BECAUSE OF A PRENATAL DIAGNOSIS INDICATING DOWN SYNDROME OR  
3 THE POTENTIAL OF DOWN SYNDROME IN THE UNBORN CHILD; TO PROVIDE  
4 CRIMINAL PENALTIES FOR ANY PHYSICIAN OR OTHER PERSON WHO PERFORMS  
5 OR INDUCES SUCH PROHIBITED ABORTION; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** (1) This section shall be known and may be  
8 cited as the "Unborn Children with Down Syndrome Abortion Ban  
9 Act."

10 (2) As used in this section:

11 (a) "Down syndrome" refers to a chromosome disorder  
12 associated either with an extra chromosome 21 (in whole or in  
13 part) or an effective trisomy for chromosome 21. Down syndrome is  
14 sometimes referred to as "trisomy 21 syndrome."

15 (b) "Physician" means any person licensed to practice  
16 medicine in this state. The term includes allopathic doctors and  
17 osteopathic doctors.

18 (3) No person may intentionally perform or attempt to  
19 perform an abortion with knowledge that the pregnant woman is



20 seeking the abortion solely because of a prenatal diagnosis, test  
21 or screening indicating either Down syndrome or a potential for  
22 Down syndrome in the unborn child.

23 (4) Any physician or other person who performs or induces or  
24 attempts to perform or induce an abortion prohibited by this  
25 section shall be guilty of a felony and, upon a conviction  
26 thereof, shall be fined not more than Twenty-five Thousand Dollars  
27 (\$25,000.00), or imprisoned in the State Penitentiary for not more  
28 than two (2) years, or both.

29 (5) An individual abortion report for each abortion  
30 performed or induced upon a woman shall be completed by her  
31 attending physician certifying that the attending physician does  
32 not have any knowledge that the woman sought the abortion solely  
33 because of a prenatal diagnosis, test, or screening indicating  
34 Down syndrome or the potential of Down syndrome in an unborn  
35 child.

36 (6) If this section is held invalid as applied to the period  
37 of pregnancy prior to being viable, then it shall remain  
38 applicable to the period of pregnancy subsequent to being viable.

39 **SECTION 1.** This act shall take effect and be in force from  
40 and after July 1, 2018.

