

By: Representatives Carpenter, Arnold,  
Williamson

To: Public Health and Human  
Services

HOUSE BILL NO. 1368

1 AN ACT TO AMEND SECTION 97-3-3, MISSISSIPPI CODE OF 1972, TO  
2 PROHIBIT ABORTION EXCEPT TO SAVE THE LIFE OF A PREGNANT WOMAN; TO  
3 PROVIDE A FINE OF \$100,000.00 FOR VIOLATION OF THIS ACT; TO  
4 PROVIDE AN EXCEPTION TO THE PROHIBITION IF MEDICAL TREATMENT OF A  
5 PREGNANT WOMAN RESULTS IN THE ACCIDENTAL DEATH OF AN UNBORN CHILD;  
6 AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 97-3-3, Mississippi Code of 1972, is  
9 amended as follows:

10 97-3-3. (1) Any person \* \* \* willfully and knowingly  
11 causing, by means of any instrument, medicine, drug or other means  
12 whatever, any woman pregnant with child to abort or miscarry, or  
13 attempts to procure or produce an abortion or miscarriage shall be  
14 guilty of a felony unless the same were done by a duly licensed,  
15 practicing physician \* \* \* to save the life of a pregnant woman in  
16 a medical emergency.

17 \* \* \*

18 Said person shall, upon conviction, be imprisoned in the  
19 State Penitentiary not less than one (1) year nor more than ten  
20 (10) years; by a fine not to exceed One Hundred Thousand Dollars



21 (\$100,000.00), or both, provided, however, if the death of the  
22 mother results therefrom, the person procuring, causing or  
23 attempting to procure or cause the illegal abortion or miscarriage  
24 shall be guilty of murder.

25 (2) No act prohibited in subsection (1) of this section  
26 shall be considered exempt under the provisions of paragraph (a)  
27 thereof unless performed upon the prior advice in writing, of two  
28 (2) reputable licensed physicians.

29 (3) The license of any physician or nurse shall be  
30 automatically revoked upon conviction under the provisions of this  
31 section.

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

34 (5) The provisions of this section do not:

35 (a) Authorize the charging or conviction of a woman  
36 with any criminal offense in the death of her own unborn child, or

37 (b) Prohibit the sale, use, prescription or  
38 administration of a contraceptive measure, drug or chemical if  
39 such is administered before the time when a pregnancy could be  
40 determined through conventional medical testing and if the  
41 contraceptive measure, drug or chemical is sold, used, prescribed  
42 or administered in accordance with manufacturer instructions.

43 (6) It shall be an affirmative defense to prosecution under  
44 this section if a licensed physician provides medical treatment to



45 a pregnant woman which results in the accidental or unintentional  
46 injury or death to the unborn child.

47         **SECTION 2.** This act shall take effect and be in force from  
48 and after July 1, 2022.

