

By: Representatives Banks, Summers

To: Public Health and Human Services; Judiciary B; Rules

HOUSE BILL NO. 937

1 AN ACT TO REPEAL SECTION 41-41-191, MISSISSIPPI CODE OF 1972,  
 2 WHICH PROHIBITS AN ABORTION AFTER FIFTEEN WEEKS' GESTATION EXCEPT  
 3 IN CASES OF MEDICAL EMERGENCY OR SEVERE FETAL ABNORMALITY; TO  
 4 REPEAL SECTION 41-41-34.1, MISSISSIPPI CODE OF 1972, WHICH  
 5 PROHIBITS AN ABORTION OF AN UNBORN HUMAN INDIVIDUAL WITH A  
 6 DETECTABLE FETAL HEARTBEAT EXCEPT WHEN NECESSARY TO PREVENT THE  
 7 DEATH OF THE PREGNANT WOMAN OR TO PREVENT A SERIOUS RISK OF THE  
 8 SUBSTANTIAL AND IRREVERSIBLE IMPAIRMENT OF A MAJOR BODILY FUNCTION  
 9 OF THE WOMAN; TO AMEND SECTION 73-25-29, MISSISSIPPI CODE OF 1972,  
 10 TO DELETE THE PROVISION THAT SUBJECTS A PHYSICIAN PERFORMING AN  
 11 ABORTION ON A PREGNANT WOMAN AFTER DETERMINING THAT THE UNBORN  
 12 HUMAN INDIVIDUAL HAS A DETECTABLE FETAL HEARTBEAT TO LICENSE  
 13 REVOCATION OR DISCIPLINARY ACTION; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Section 41-41-191, Mississippi Code of 1972,  
 16 which prohibits an abortion after fifteen weeks' gestation except  
 17 in cases of medical emergency or severe fetal abnormality, is  
 18 repealed.

19 **SECTION 2.** Section 41-41-34.1, Mississippi Code of 1972,  
 20 which prohibits an abortion of an unborn human individual with a  
 21 detectable fetal heartbeat except when necessary to prevent the  
 22 death of the pregnant woman or to prevent a serious risk of the



23 substantial and irreversible impairment of a major bodily function  
24 of the woman, is repealed.

25 **SECTION 3.** Section 73-25-29, Mississippi Code of 1972, is  
26 amended as follows:

27 73-25-29. The grounds for the nonissuance, suspension,  
28 revocation or restriction of a license or the denial of  
29 reinstatement or renewal of a license are:

30 (1) Habitual personal use of narcotic drugs, or any  
31 other drug having addiction-forming or addiction-sustaining  
32 liability.

33 (2) Habitual use of intoxicating liquors, or any  
34 beverage, to an extent which affects professional competency.

35 (3) Administering, dispensing or prescribing any  
36 narcotic drug, or any other drug having addiction-forming or  
37 addiction-sustaining liability otherwise than in the course of  
38 legitimate professional practice.

39 (4) Conviction of violation of any federal or state law  
40 regulating the possession, distribution or use of any narcotic  
41 drug or any drug considered a controlled substance under state or  
42 federal law, a certified copy of the conviction order or judgment  
43 rendered by the trial court being prima facie evidence thereof,  
44 notwithstanding the pendency of any appeal.

45 (5) Procuring, or attempting to procure, or aiding in,  
46 an abortion that is not medically indicated.



47           (6) Conviction of a felony or misdemeanor involving  
48 moral turpitude, a certified copy of the conviction order or  
49 judgment rendered by the trial court being prima facie evidence  
50 thereof, notwithstanding the pendency of any appeal.

51           (7) Obtaining or attempting to obtain a license by  
52 fraud or deception.

53           (8) Unprofessional conduct, which includes, but is not  
54 limited to:

55                   (a) Practicing medicine under a false or assumed  
56 name or impersonating another practitioner, living or dead.

57                   (b) Knowingly performing any act which in any way  
58 assists an unlicensed person to practice medicine.

59                   (c) Making or willfully causing to be made any  
60 flamboyant claims concerning the licensee's professional  
61 excellence.

62                   (d) Being guilty of any dishonorable or unethical  
63 conduct likely to deceive, defraud or harm the public.

64                   (e) Obtaining a fee as personal compensation or  
65 gain from a person on fraudulent representation of a disease or  
66 injury condition generally considered incurable by competent  
67 medical authority in the light of current scientific knowledge and  
68 practice can be cured or offering, undertaking, attempting or  
69 agreeing to cure or treat the same by a secret method, which he  
70 refuses to divulge to the board upon request.



71 (f) Use of any false, fraudulent or forged  
72 statement or document, or the use of any fraudulent, deceitful,  
73 dishonest or immoral practice in connection with any of the  
74 licensing requirements, including the signing in his professional  
75 capacity any certificate that is known to be false at the time he  
76 makes or signs such certificate.

77 (g) Failing to identify a physician's school of  
78 practice in all professional uses of his name by use of his earned  
79 degree or a description of his school of practice.

80 (9) The refusal of a licensing authority of another  
81 state or jurisdiction to issue or renew a license, permit or  
82 certificate to practice medicine in that jurisdiction or the  
83 revocation, suspension or other restriction imposed on a license,  
84 permit or certificate issued by such licensing authority which  
85 prevents or restricts practice in that jurisdiction, a certified  
86 copy of the disciplinary order or action taken by the other state  
87 or jurisdiction being prima facie evidence thereof,  
88 notwithstanding the pendency of any appeal.

89 (10) Surrender of a license or authorization to  
90 practice medicine in another state or jurisdiction or surrender of  
91 membership on any medical staff or in any medical or professional  
92 association or society while under disciplinary investigation by  
93 any of those authorities or bodies for acts or conduct similar to  
94 acts or conduct which would constitute grounds for action as  
95 defined in this section.



96 (11) Final sanctions imposed by the United States  
97 Department of Health and Human Services, Office of Inspector  
98 General or any successor federal agency or office, based upon a  
99 finding of incompetency, gross misconduct or failure to meet  
100 professionally recognized standards of health care; a certified  
101 copy of the notice of final sanction being prima facie evidence  
102 thereof. As used in this paragraph, the term "final sanction"  
103 means the written notice to a physician from the United States  
104 Department of Health and Human Services, Officer of Inspector  
105 General or any successor federal agency or office, which  
106 implements the exclusion.

107 (12) Failure to furnish the board, its investigators or  
108 representatives information legally requested by the board.

109 (13) Violation of any provision(s) of the Medical  
110 Practice Act or the rules and regulations of the board or of any  
111 order, stipulation or agreement with the board.

112 (14) Violation(s) of the provisions of Sections  
113 41-121-1 through 41-121-9 relating to deceptive advertisement by  
114 health care practitioners.

115 (15) Performing or inducing an abortion on a woman in  
116 violation of any provision of Sections 41-41-131 through  
117 41-41-145.

118 \* \* \*

119 In addition to the grounds specified above, the board shall  
120 be authorized to suspend the license of any licensee for being out



121 of compliance with an order for support, as defined in Section  
122 93-11-153. The procedure for suspension of a license for being  
123 out of compliance with an order for support, and the procedure for  
124 the reissuance or reinstatement of a license suspended for that  
125 purpose, and the payment of any fees for the reissuance or  
126 reinstatement of a license suspended for that purpose, shall be  
127 governed by Section 93-11-157 or 93-11-163, as the case may be.  
128 If there is any conflict between any provision of Section  
129 93-11-157 or 93-11-163 and any provision of this chapter, the  
130 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
131 shall control.

132 A physician who provides a written certification as  
133 authorized under the Mississippi Medical Cannabis Act and in  
134 compliance with rules and regulations adopted thereunder shall not  
135 be subject to any disciplinary action under this section solely  
136 due to providing the written certification.

137 **SECTION 4.** This act shall take effect and be in force from  
138 and after July 1, 2023.

