

By: Representatives Banks, Summers

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

HOUSE BILL NO. 938

1 AN ACT TO REPEAL SECTION 41-41-45, MISSISSIPPI CODE OF 1972,  
 2 WHICH PROHIBITS ABORTION EXCEPT FOR THE PRESERVATION OF THE  
 3 MOTHER'S LIFE OR WHERE THE PREGNANCY IS CAUSED BY RAPE; TO REPEAL  
 4 SECTION 97-3-3, MISSISSIPPI CODE OF 1972, WHICH CREATES A FELONY  
 5 CRIME FOR ANY PERSON WHO WILLFULLY AND KNOWINGLY CAUSES ANY  
 6 PREGNANT WOMAN TO ABORT OR MISCARRY A CHILD; TO REPEAL SECTION  
 7 97-3-4, MISSISSIPPI CODE OF 1972, WHICH CREATES A FELONY CRIME FOR  
 8 ALLOWING A CHILD DELIVERED IN FAILED ABORTION TO DIE; TO REPEAL  
 9 SECTION 97-3-5, MISSISSIPPI CODE OF 1972, WHICH CREATES A  
 10 MISDEMEANOR CRIME FOR ANY PERSON WHO PROVIDES AN INSTRUMENT OR  
 11 MEDICINE TO ASSIST A WOMAN IN OBTAINING AN ABORTION; AND FOR  
 12 RELATED PURPOSES.

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

14 **SECTION 1.** Section 41-41-45, which prohibits abortion except  
 15 for the preservation of the mother's life or where the pregnancy  
 16 is caused by rape, is repealed.

17 **SECTION 2.** Section 97-3-3, which creates a felony crime for  
 18 any person who willfully and knowingly causes any pregnant woman  
 19 to abort or miscarry a child, is repealed.

20 **SECTION 3.** Section 97-3-4, which creates a felony crime for  
 21 allowing a child delivered in failed abortion to die, is repealed.



22           **SECTION 4.** Section 97-3-5, which creates a misdemeanor crime  
23 for any person who provides an instrument or medicine to assist a  
24 woman in obtaining an abortion, is repealed.

25           **SECTION 5.** This act shall take effect and be in force from  
26 and after July 1, 2023.

