

By: Representative Banks

To: Judiciary B

HOUSE BILL NO. 401

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 18 repealed.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24 of the woman, is repealed.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 (16) * * * Violation(s) of any provision of Title 41,
119 Chapter 141, Mississippi Code of 1972.



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

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

138 **SECTION 4.** This act shall take effect and be in force from
139 and after July 1, 2024.

