

JAN 23 2009

A BILL FOR AN ACT

RELATING TO ABORTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 453, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§453- Performance of partial birth abortion prohibited.

5 (a) Except as otherwise provided in subsection (b), a physician
6 or an individual performing an act, task, or function under the
7 delegatory authority of a physician shall not perform a partial
8 birth abortion, even if the abortion is otherwise permitted by
9 law.

10 (b) A physician or an individual described in subsection
11 (a) may perform a partial birth abortion if the physician or
12 other individual reasonably believes that performing the partial
13 birth abortion is necessary to save the life of a pregnant woman
14 whose life is endangered by a physical disorder, physical
15 illness, or physical injury and that no other medical procedure
16 will accomplish that purpose.

17 (c) This section does not create a right to abortion.



1 (d) Notwithstanding any other part of this section, a
2 person shall not perform an abortion that is prohibited by law.

3 (e) As used in this section:

4 "Abortion" means:

5 (1) The intentional use of an instrument, drug, or
6 other substance or device to terminate a woman's
7 pregnancy for a purpose other than to:

8 (A) Increase the probability of a live birth;

9 (B) Preserve the life or health of the child
10 after live birth; or

11 (C) Remove a dead fetus; and

12 (2) Does not include a procedure to complete a
13 spontaneous abortion or the use or prescription
14 of a drug or device intended as a contraceptive.

15 "Fetus" means an individual organism of the species
16 homo sapiens at any time before complete delivery from a
17 pregnant woman.

18 "Partial birth abortion" means an abortion in which
19 the physician or individual acting under the delegatory
20 authority of the physician performing the abortion
21 partially vaginally delivers a living fetus before killing
22 the fetus and completing the delivery."

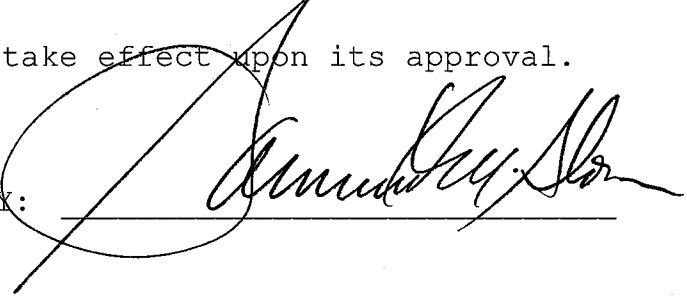


1 SECTION 2. New statutory material is underscored.

2 SECTION 3. This Act shall take effect upon its approval.

3

INTRODUCED BY: _____



Report Title:

Partial Birth Abortion; Prohibition

Description:

Prohibits partial birth abortion. Defines "abortion," "fetus," and "partial birth abortion."

