

JAN 18 2007

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# 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":

5        (1) Means 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 after  
10 live birth; or

11        (C) Remove a dead fetus; and

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

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

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



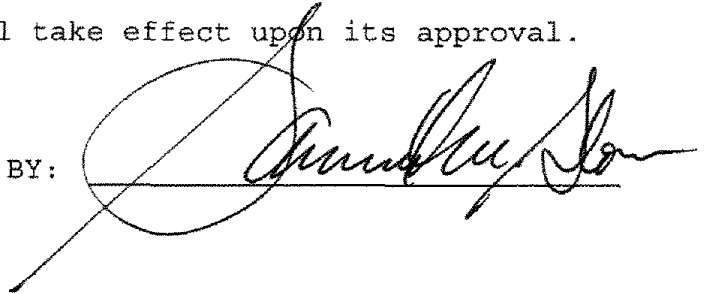
# S.B. NO. 129

1 SECTION 2. New statutory material is underscored.

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

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INTRODUCED BY:



**Report Title:**

Partial Birth Abortion; Prohibition

**Description:**

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

