

[First Reprint]  
ASSEMBLY, No. 2409

STATE OF NEW JERSEY

INTRODUCED OCTOBER 7, 1996

By Assemblywoman FARRAGHER, Assemblyman KELLY,  
Assemblywoman J.Smith, Assemblymen Rooney, Kavanaugh,  
Felice, Bucco, Garrett, Gregg, Assemblywoman Wright,  
Assemblymen Barnes, Arnone, Cottrell, Asselta, Carroll,  
Assemblywoman Crecco, Assemblymen Rocco, Doria, Steele,  
Corodemus, Malone, Gibson, Bodine, Augustine,  
Assemblywoman Heck, Assemblymen Roberts, Talarico and  
DiGaetano

1 AN ACT prohibiting the performance of partial-birth abortions and  
2 supplementing Title 2A of the New Jersey Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. This act shall be known and may be cited as the "Partial-Birth  
8 Abortion Ban Act of <sup>1</sup>[1996] 1997<sup>1</sup>."

9

10 2. a. No physician licensed in this State, other licensed health care  
11 professional authorized to perform abortions in this State, or  
12 ambulatory care facility licensed in this State shall perform a partial-  
13 birth abortion and thereby kill a human fetus.

14 b. The provisions of subsection a. of this section shall not apply to  
15 a partial-birth abortion that is necessary to save the life of the mother  
16 whose life is endangered by a physical disorder, illness or injury  
17 <sup>1</sup>[when no other medical procedure would suffice for that purpose]<sup>1</sup>.

18 c. A physician or other health care professional licensed pursuant  
19 to Title 45 of the Revised Statutes who knowingly performs a partial-  
20 birth abortion in violation of this act shall be subject to immediate  
21 revocation of his professional license by the appropriate licensing  
22 board and subject to a penalty of \$25,000 for each incident.

23 d. An ambulatory health care facility licensed pursuant to  
24 P.L.1971, c.136 (C.26:2H-1 et seq.) in which a partial-birth abortion

**EXPLANATION** - Matter enclosed in bold-faced brackets [thus] in the above bill is not  
enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SWF committee amendments adopted June 5, 1997.

1 is performed in violation of this act shall be subject to immediate  
2 revocation of its license by the Department of Health and Senior  
3 Services.

4 e. As used in this act, "partial-birth abortion" means an abortion in  
5 which the person performing the abortion partially vaginally delivers  
6 a living human fetus before killing the fetus and completing the  
7 delivery <sup>1</sup>and "vaginally delivers a living human fetus before killing the  
8 fetus" means the deliberate and intentional delivering into the vagina  
9 of a living fetus, or a substantial portion thereof, for the purpose of  
10 performing a procedure the physician or other health care professional  
11 knows will kill the fetus, and the subsequent killing of the fetus<sup>1</sup>.

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13 3. A woman upon whom a partial-birth abortion is performed shall  
14 be immune from civil or criminal liability for a violation of the  
15 provisions of this act.

16

17 4. This act shall take effect immediately.

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22 \_\_\_\_\_  
23 Prohibits partial-birth abortions except when necessary to save the life  
of the mother.