

§§1 - 3  
C. 2A:65A-5  
To  
2A:65A-7

P.L. 1997, CHAPTER 262, *passed December 15, 1997*  
Assembly No. 2409 (*First Reprint*)  
(CORRECTED COPY)

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.

**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 d. An ambulatory health care facility licensed pursuant to  
2 P.L.1971, c.136 (C.26:2H-1 et seq.) in which a partial-birth abortion  
3 is performed in violation of this act shall be subject to immediate  
4 revocation of its license by the Department of Health and Senior  
5 Services.

6 e. As used in this act, "partial-birth abortion" means an abortion in  
7 which the person performing the abortion partially vaginally delivers  
8 a living human fetus before killing the fetus and completing the  
9 delivery.

10 <sup>1</sup>f. As used in subsection e. of this section "vaginally delivers a  
11 living human fetus before killing the fetus" means deliberately and  
12 intentionally delivering into the vagina a living fetus, or a substantial  
13 portion thereof, for the purpose of performing a procedure the  
14 physician or other health care professional knows will kill the fetus,  
15 and the subsequent killing of the human fetus.<sup>1</sup>

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

20

21 4. This act shall take effect immediately.

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26 Prohibits partial-birth abortions except when necessary to save the life  
27 of the mother.