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[First Reprint]

**SENATE, No. 1668**

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**STATE OF NEW JERSEY**

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INTRODUCED NOVEMBER 7, 1996

**By Senators SCOTT, CARDINALE, Inverso, Kyrillos, Cafiero,  
Littell, O'Connor, Schluter, Martin and Bubba**

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  
25 is performed in violation of this act shall be subject to immediate  
26 revocation of its license by the Department of Health and Senior  
27 Services.

**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 e. As used in this act, "partial-birth abortion" means an abortion in  
2 which the person performing the abortion partially vaginally delivers  
3 a living human fetus before killing the fetus and completing the  
4 delivery.

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

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

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16 4. This act shall take effect immediately.

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