

§1598. Abortions

1. Policy. It is the public policy of the State that the State not restrict a woman's exercise of her private decision to terminate a pregnancy before viability except as provided in section 1597-A. After viability an abortion may be performed only when it is necessary to preserve the life or health of the mother. It is also the public policy of the State that all abortions may be performed only by a health care professional, as defined in section 1596, subsection 1, paragraph C. [PL 2019, c. 262, §4 (AMD).]

2. Definitions. As used in this section, unless the context otherwise indicates, the following terms shall have the following meanings.

A. "Abortion" means the intentional interruption of a pregnancy by the application of external agents, whether chemical or physical or by the ingestion of chemical agents with an intention other than to produce a live birth or to remove a dead fetus. [PL 1979, c. 405, §2 (NEW).]

B. "Viability" means the state of fetal development when the life of the fetus may be continued indefinitely outside the womb by natural or artificial life-supportive systems. [PL 1979, c. 405, §2 (NEW).]

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3. Persons who may perform abortions; penalties.

A. Only a person licensed under Title 32, chapter 36 or 48 to practice in the State as an osteopathic or medical physician or physician assistant or a person licensed under Title 32, chapter 31 to practice in the State as an advanced practice registered nurse may perform an abortion on another person. [PL 2019, c. 262, §5 (AMD).]

B. Any person not so licensed who knowingly performs an abortion on another person or any person who knowingly assists a nonlicensed person to perform an abortion on another person is guilty of a Class C crime. [PL 1979, c. 405, §2 (NEW).]

[PL 2019, c. 262, §5 (AMD).]

4. Abortions after viability; criminal liability. A person who performs an abortion after viability is guilty of a Class D crime if:

A. He knowingly disregarded the viability of the fetus; and [PL 1979, c. 405, §2 (NEW).]

B. He knew that the abortion was not necessary for the preservation of the life or health of the mother. [PL 1979, c. 405, §2 (NEW).]

[PL 1979, c. 405, §2 (NEW).]

SECTION HISTORY

PL 1979, c. 360 (NEW). PL 1979, c. 405, §2 (NEW). PL 1979, c. 663, §133 (RAL). PL 1993, c. 61, §2 (AMD). PL 2019, c. 262, §§4, 5 (AMD).

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