

§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. 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 2023, c. 416, §2 (AMD).]

1-A. Preemption. The State intends to occupy and preempt the entire field of legislation concerning the regulation of a person's decision to terminate a pregnancy and legislation concerning the provision of abortion. No political subdivision of the State, including, but not limited to, municipalities, counties, townships, plantations and village corporations, may adopt any order, ordinance, rule or regulation concerning the regulation of a person's decision to terminate a pregnancy or concerning the provision of abortion.

[PL 2023, c. 352, §1 (NEW).]

REVISOR'S NOTE: (Subsection 1-A as enacted by PL 2023, c. 416, §3 is REALLOCATED TO TITLE 22, SECTION 1598, SUBSECTION 1-B)

1-B. (REALLOCATED FROM T. 22, §1598, sub-§1-A) Abortion after viability. After viability, an abortion may be performed only when it is necessary in the professional judgment of a physician licensed pursuant to Title 32, chapter 36 or 48. The physician shall apply the applicable standard of care in making a professional judgment under this subsection.

[PL 2023, c. 416, §3 (NEW); RR 2023, c. 1, Pt. A, §8 (RAL).]

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).]

[PL 1979, c. 405, §2 (NEW).]

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. Nothing in this paragraph limits the applicability of Title 32, section 3270 or any other civil or criminal law that may apply. [PL 2023, c. 416, §4 (AMD).]

B. [PL 2023, c. 416, §4 (RP).]

[PL 2023, c. 416, §4 (AMD).]

4. Abortions after viability; criminal liability.

[PL 2023, c. 416, §5 (RP).]

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). RR 2021, c. 2, Pt. B, §98 (COR). PL 2023, c. 352, §1 (AMD). PL 2023, c. 416, §§2-5 (AMD). RR 2023, c. 1, Pt. A, §8 (COR).

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