SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 160

SPONSOR: Senator Cowin

SUBJECT: Termination of Pregnancy

DATE: January 18, 2000 REVISED: 1/20/2000

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Matthews	Johnson	JU	Favorable
2.			RC	
3.				
4.				
5.				

I. Summary:

This bill creates the "Partial-Birth Abortion Act" within the chapter on homicide. It prohibits and criminalizes, as a second-degree felony, the act of intentionally killing a "partially born living fetus." The bill also provides for specific exceptions and grants legislators legal standing in any subsequent constitutional court challenge to the Act.

This bill creates the following sections of the Florida Statutes: 782.30, 782.32, 782.34, and 782.36.

II. Present Situation:

A. Abortion

1. *Federal*

Until 1973, most states had either imposed restrictions on abortions or criminalized abortion as a statutory felony. In 1973, the United States Supreme Court first recognized the legal right to abortion as stemming from the constitutional right of privacy. *See* Roe v. Wade, 410 U.S. 113, 93 S.Ct. 705, 35 L.ED.2d 147 (1973). The Court applied the strict scrutiny standard traditionally used to review any governmental regulation of a fundamental right. The Court held that the state could not regulate abortion absent a compelling state interest. Under the Court's reasoning, the state's interest became compelling at three months for maternal health and shifted at six months to fetal life. Therefore, under a trimester analytical framework, the state: 1) Could not regulate abortion in the first trimester, 2) Could regulate abortion during the second trimester for the protection of the maternal health, and 3) Could regulate or ban abortion during the third trimester to protect the fetal life.

In 1992, the United States Supreme Court receded from the trimester analytical framework and strict scrutiny standard in *Roe v. Wade* to establish the current case precedent for reviewing abortion law or related law. *See Planned Parenthood of Southeastern Pennsylvania v. Casey*, 112

S. Ct. 2791(1992)(abortion consent and reporting requirements). The Court established a "floating viability" time line and adopted the "undue burden" standard of review to redefine a state's legitimate authority to regulate or ban abortion. The Court re-affirmed the essential holding in *Roe v. Wade* but attempted to strike a compromise between the preservation of a person's general access to an abortion and the state's compelling interest in the potentiality of human life. The Court's decision to apply a "floating viability" time line for determining when the rights of a fetus override the rights of a woman were based on four reasons:

1. Viability is the time at which there is a realistic possibility of maintaining and nourishing a life outside the womb, so that the independent existence of the second life can in reason and all fairness be the object of state protection that would override the rights of the woman.
2. There is no line other than viability which is more workable.
3. In some broad sense it might be said that a woman who fails to act before viability has consented to the State's intervention on behalf of the developing child.
4. The precedent of earlier case law should be followed.

See Casey, 505 U.S. at 870.

However, the validity of any regulation of abortion rests on two paramount principles: a) Before viability, a woman has a right to an abortion without undue interference from the State, and b) After viability, a state may proscribe a women's right to abortion since the state has an interest in the potentiality of human life, except when the abortion is necessary, in accordance with appropriate medical judgment, for the preservation of the life or health of the mother. *See Casey*, 505 U.S., at 486 and 879, quoting *Roe v. Wade*, 410 U.S. at 164-165, respectively.

The Court explained the terms "undue interference" or "undue burden" to mean a "substantial obstacle" placed in the "path of a woman seeking an abortion before the fetus attains viability." *Casey*, 505 U.S. at 878. The Court further stated that "an undue burden may exist even if a restriction applies only to a minute fraction of women who seek abortions. . .[as] the proper focus of constitutional inquiry is the group for whom the law is a restriction, not the group for whom the law is irrelevant. *Id.* at 894. Under the second principle, the Court also provided some insight into permissible types of state regulation relating to parental consent, informed consent, and notice to the spouse that would not pose a significant threat to the life or health of a mother. The Court referred approvingly to the life or health exception as encompassed under the medical emergency definition in the Pennsylvania statutes. Medical emergency was defined as,

> [t]hat condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function.
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> *Id*. at 879-880.

2. *Florida*

The Florida Supreme Court has held that the express right of privacy in section 23 of article I of the Florida Constitution provides broader protection than that afforded by the U.S. Constitution. *See Winfield v. Division of Pari-Mutual Wagering*, 477 So.2d 544 (Fla. 1985). Therefore, any state regulation of a fundamental right is subject to the higher standard of review, i.e., strict

scrutiny. The Supreme Court has held that the right of privacy is "clearly implicated in a woman's decision of whether or not to continue her pregnancy." *In re T.W.*, 551 So.2d 1186, 1192 (1989)(statute for parental consent for a minor's abortion declared unconstitutional). Therefore, any regulation regarding termination of pregnancy must be analyzed against whether the state has a compelling state interest and whether the state has satisfied its burden to justify its regulatory goal through the use of the least intrusive means. *Id.*, citing to *Winfield* 447 So.2d at 547.

Under this standard of review, major provisions of the Florida's abortion law in chapter 390, F.S., have already been declared unconstitutional or have been enjoined. The provisions restricting abortion in the third trimester with a life or health exception is currently unenforceable based on amendments made by the Women's Right to Know Act of 1997, an abortion consent statute. *See* ch. 97-151, L.O.F. The Act expanded the informed consent requirements prior to all abortions. *See* s. 390.0111(3), F.S. For purposes of a temporary injunction, the Act was found to be unconstitutionally vague. *See State v. Presidential Women's Center*, 707 So.2d 1145 (Fla. 4th DCA 1998), as clarified (the appeal is still pending). In 1999, the Legislature also enacted the "Parental Notice of Abortion Act." *See* ch.99-322, L.O.F. This Act is currently enjoined pending a constitutional challenge. *See North Fla. Women's Health & Counseling Serv., Inc. et al. v. State* (No. 99-3202, Circuit Court for Leon County)

B. Partial-Birth Abortion

Since 1973, states have enacted a number of abortion and abortion-related laws, including but not limited to, parental notice or consent requirements, restrictions on state funding of abortion for Medicaid recipients, protection of access to abortion clinics, waiting periods for mandated state-directed counseling, and limitations on insurance coverage on abortion. In recent years, one of the more controversial abortion procedures, commonly referred to as the "partial-birth abortion"[1] has become the focus of controversy and state regulation.

Physicians currently use a number of medical or surgical procedures to terminate a pregnancy in the United States, including but not limited to induction, suction curettage, dilation and evacuation (D&E), intrauterine saline instillation, prostaglandin instillation, hysterotomies, and hysterectomies. The medical community most often identifies variations of the "partial-birth abortion" procedure as the "intact dilation and extraction" (intact D&X) or "dilation and extraction" (D&X). Unlike the dilation and evacuation (D&E), however, the intact D&X removes the fetus without dismemberment. According to the American College of Obstetricians and Gynecologists (ACOG), the following steps are performed sequentially in an intact D&X procedure:

1. Deliberate dilation of the cervix, usually over a sequence of days;
2. Instrumental conversion of the fetus to a footling breech;
3. Breech extraction of the body excepting the head; and

[1]The term "partial-birth abortion" is not a legal or medical term.

4. Partial evacuation of the intracranial contents of a living fetus to effect vaginal delivery of a dead but otherwise intact fetus.

ACOG Statement of Policy: Statement on Intact Dilatation and Extraction, Jan. 12, 1997

1. *Florida Action*

In 1997, the Florida Legislature enacted legislation to criminalize "partial birth abortion" or intact D&X (dialation and extraction) and to provide specific persons with a cause of action for monetary relief related to an illegally performed partial-birth abortion. *See* CS/HB 1227 (1997). However, the Governor vetoed the bill. In March 1998, the legislature subsequently overrode the veto. *See* ch. 98-1, L.O.F. Specifically, the Act bans a physician from knowingly performing a partial-birth abortion, defined as "the termination of pregnancy in which the physician performing a partial-birth termination of pregnancy partially vaginally delivers a living fetus before killing the fetus and completing the delivery." *See* ss.390.011(5), (6) and (11), F.S.

In 1998, however, the Act became the subject of a constitutional challenge in federal court. *See A Choice For Women, et al. v. Robert A. Butterworth*, Case No. 98-0774-CIV-GRAHAM (U.S. District Court for the Southern District of Florida). The court held that the Partial-Birth Abortion Ban Act had the unconstitutional purpose and effect of placing "a substantial obstacle in the path of a woman seeking an abortion prior to the fetus attaining viability." Additionally, the court found the Act to be void for vagueness because "it fails to define the conduct it prohibits with the required degree of certainty." The court granted the plaintiffs declaratory and permanent injunctive relief. The State filed a Notice of Appeal to the Eleventh Circuit Court of Appeals but subsequently withdrew its appeal and the court dismissed the State's appeal with prejudice. *See Butterworth v. A Choice For Women, et al.*, Case No. 99-4002 (11th Circuit Court of Appeals). In response, HB 1775 and SB 1874 were filed during the 1999 Legislative Session to revise the partial-birth abortion law. Neither bill passed.

2. *Federal Action*

In 1995 and 1997, Congress attempted to enact legislation to ban partial-birth abortion. *See* H.R. 1833 (Partial-Birth Abortion Ban Act of 1995) and H.R. 1122 (Partial-Birth Abortion Ban Act of 1997), respectively. Both bills were subsequently vetoed in 1996 and in 1998, respectively. Congress was unable to override either veto.

This year, a number of partial-birth abortion bills are pending in Congress, of which the most active is the "Partial-Birth Abortion Ban Act of 1999." The bill bans partial-birth abortions by amending title 18 of the United States Code, relating to crimes and criminal procedure. *See* S.1692 as amended (1999) Specifically, the bill:

- Prohibits and criminalizes the procedure of partial-birth abortion as defined to be a partially vaginally delivered intact living fetus.
- Subjects a physician or any person to fines and criminal penalties (up to 2 years of imprisonment) for the illegal performance of a partial-birth abortion.

- Creates a civil cause of action for a father (if married to the mother who secured a partial-birth abortion), or for the maternal grandparents of the fetus (if the mother was a minor at the time of the partial-birth abortion) to obtain monetary damages and treble damages associated with the abortion procedure unless the mother consented or criminal action was involved.
- Prohibits the prosecution for conspiracy or other action of a woman who obtained the partial-birth abortion under the Act.
- Contains specific Congressional findings relating to the legality of abortions, the exception to the partial-birth abortion ban when the life of a mother is endangered, and the Supreme Court opinion on *Roe v. Wade*.

The bill passed the United States Senate in October and is now pending in the House of Representatives. Congress reconvenes on January 24, 2000.

3. *Other States' Action*

Since 1995, 30 states (including Florida) have enacted laws seeking to ban "partial-birth abortion," many of which have been subject to legal challenges. Partial-birth abortion statutes in over 18 states (including Florida) have been declared unconstitutional or have been enjoined.

In 1997, the Sixth Circuit Court of Appeals struck down the first state statute on partial-birth abortion. The Court found that the Ohio statute placed a "substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus." *See Women's Med. Prof. Corp. v. Voinovich*, 130 F.3d 187, 201 (6th Cir. 1997), *cert. denied* (1998), 118 S.Ct. 1357. The Court determined that the statutory definition of the banned intact D&X procedure included the D&E procedure, the most common method of abortion in the second trimester. The Court also held that the ban on post-viability abortions was unconstitutional in part because there was no exception when there was a serious risk of the substantial and irreversible impairment of the pregnant woman's *mental health*. Id. at 207. In response to *Voinovich* opinion, there is pending in the Ohio Legislature, a bill to ban "partial birth feticide" which more explicitly describes the prohibited partial-birth procedure, excludes suction curettage, suction aspiration and dilation and evacuation from the ban, and creates a civil cause of action for a father or maternal grandmother of an aborted fetus. *See* Am. Sub H.B. 351 (1999).

Most recently, two federal appeals courts addressed the constitutionality of partial-birth abortion ban statutes, whose contrary rulings have resulted in a conflict between the federal appeals courts. In September, 1999, the Eighth Circuit Court of Appeals determined that partial-birth abortion statutes in Arkansas, Iowa, and Nebraska were unconstitutional. *See Little Rock Family Planning Serv., P.A., et al. v. Jegley et al.* (No. 99-1004EA), slip opinion (8th Cir. Sept. 24, 1999); *Carhat v. Stenberg, et al.*, (No. 98-3245NE, 98-3300NE), slip opinion (8th Circ. Sept. 24, 1999); and *Planned Parenthood of Greater Iowa, Inc. v. Miller*, (No. 99-1372SI), slip opinion (8th Cir. Sept. 24, 1999). The Court held that the statutes (whose language varied slightly) placed an undue burden on women seeking pre-viability abortion as the statute potentially encompassed more than the banned procedure. In contrast, the Seventh Circuit Court of Appeals recently held that substantially similar partial-birth abortion ban statutes in Illinois and Wisconsin could be constitutionally applied. *See The Hope Clinic et al. v. Ryan* (No. 98-1726), slip opinion (7th Cir., Oct. 26, 1999). However, the Court granted the plaintiffs, limited injunctive relief as to all other non-banned abortion procedures.

Although petitions for writ of certiorari to the United States Supreme Court are anticipated in all the cases, the Court announced on January 14, 2000, it will review the case of *Stenberg v. Carhat*, whose ruling held Nebraska's partial-birth abortion ban statute unconstitutional. Oral argument be may heard as soon as April, 2000.

III. Effect of Proposed Changes:

The bill creates the "Partial-Birth Abortion Act" within chapter 782, F.S., relating to homicide. Specifically, the Act (ss. 782.30-782.36, F.S.):

- Defines "partially born," "living fetus," and "suction or sharp curettage abortion." In particular, "partially born" is specifically described as delivery past the mother's vaginal opening in cephalic and breech presentations, and for delivery outside the mother's abdominal wall in cephalic and breech presentations.
- Criminalizes the intentional killing of a partially born living fetus by any person as a second degree felony punishable by imprisonment for a maximum of 15 years under s. 775.082, F.S., by fines up to $10,000 under s.775.083, F.S., and by extended sentences as habitual or repeat offenders under s. 775.084, F.S. (This represents an increase in the penalty from current statutory law which criminalizes a partial-birth abortion as a third-degree felony.)
- Excludes "suction or sharp curettage abortions" from the application of the law.
- Exempts measures taken by a physician necessary to save the mother's life when her life is endangered by a physical disorder, illness or injury, although every reasonable precaution must be taken to save the fetus' life.
- Provides that the Act does not constitute an implicit approval of other types of abortions.
- Grants legislators who sponsored or co-sponsored the Act intervenor status in subsequent constitutional challenges to the Act.
- Gives the Act preemptive effect over conflict with any other provisions.
- Provides a severability clause.

The bill applies to all partial-birth abortions regardless of the gestation period or viability of the fetus. The bill does not make an exception for the partial-birth abortion in order to preserve the health of the mother. The bill does not exempt a woman from prosecution for conspiracy in the abortion procedure.

The Act is effective upon the bill becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Based on a review of recent federal and state court rulings on similar partial-birth abortion statutes, this bill may still be subject to constitutional challenges:

- In the bill, the illegality of the partial-birth abortion procedure depends on the physical location of the fetus during the delivery. However, under federal law, the extent of a woman's right to an abortion turns on fetal viability which the Supreme Court has defined as that point when "there is a realistic possibility of maintaining and nourishing a life outside the womb, so that the independent existence of the second life can in reason and all fairness be the object of state protection that now overrides the rights of the woman." *See* *Planned Parenthood of Southeastern Pennsylvania v. Robert P. Casey*, 505 U.S. 833, 112 S.Ct. 2791, 120 L.Ed.2d 674 (1992). Presumably, a determination of viability would typically be made in accordance with the professional medical judgment of the individual physician and could depend on a variety of factors or other evidence of life in addition to or in lieu of a "heartbeat or discernible spontaneous movement."[2] The courts may find that the bill unduly interferes with a woman's right to an abortion before fetal viability by placing a "substantial obstacle" in the path of a woman seeking an abortion, particularly if the described medical procedure was deemed the most medically appropriate or sole option available to the mother to secure an abortion.

- The bill does not provide for: 1) Consideration of any factor other than physical disorder, illness or injury that may threaten a woman's life, or 2) Consideration of or exception for a threat to maternal health in accordance with appropriate medical judgment. *See* *Casey*, 505 U.S. 486 and 879, quoting *Roe v. Wade*, 410 at 164-165, respectively, (post-fetal viability--exceptions for threats to maternal life and health).

- The bill addresses more clearly issues raised in cases regarding specificity about the banned birth-birth abortion procedure and expressly excludes "suction or sharp curettage abortion" as defined in section 782.36(1), F.S., but it will be for the courts to decide whether the language is still overly broad or constitutionally vague as to prohibit or deter physicians from performing otherwise legal abortion procedures.

[2]The bill defines "living fetus" as any "unborn member of the human species who has a heartbeat or discernible spontaneous movement." Notably different criteria is used to distinguish "fetal death" and "live birth in chapter 382, F.S., relating to vital statistics. The distinction lies in the moment in which there is a "complete expulsion or extraction of a product of human conception" and whether the fetus breathed or showed "any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles." *See* s. 382.002 (5), F.S, and 382.002(9), F.S. "Fetal death" is also deemed a death after the 20th week of gestation whereas a "living birth" may occur at any point of gestation, provided the fetus breathed or showed any other evidence of life. For purposes of vehicular homicide resulting in the killing of a viable fetus, a fetus is deemed viable when it becomes capable of meaningful life outside the womb through standard medical measures. *See* 782.071, F.S. Amended in 1998, this statute has not yet been constitutionally challenged.

Under state law, this bill would be subject to the more rigorous strict scrutiny standard of review based on the express right of privacy amendment in Florida's Constitution which has already been recognized as providing broader constitutional protection than that afforded under the United States Constitution. *See Winfield v. Division of Pari-Mutual Wagering*, 477 So.2d 544 (1985). Therefore, any regulation of partial-birth abortion must satisfy a compelling state interest and accomplish its goal through the least intrusive means under a legal challenge that the regulation limits a woman's right of privacy.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent that this medical procedure is currently available and used, this bill will deter the number of partial-birth abortions sought or performed. It is indeterminate how many of these types of procedures have actually been performed in Florida. The Office of Vital Statistics in the Florida's Department of Health collects data on behalf of the Agency for Health Care Administration on "induced terminations of pregnancy" but does not distinguish between the types of abortion[3] procedures performed:

Induced Terminations of Pregnancy by Reason and Gestation Period, Florida 1998				
Reason/Gestation Period	*12 weeks and under*	*13-24 weeks*	*25 weeks and over*	**TOTAL**
Personal Choice	74,056	6,830	2	80,889
Physical Condition	282	117	2	401
Mental Condition	102	54	3	159
Abnormal Fetus	129	335	6	470
Other	321	88	7	416
Unknown	0	0	0	0
TOTAL	74,890	7,424	21	**82,335**

Florida Vital Statistics Annual Report, 1998.

In so far as the bill criminalizes the performance of a currently legal medical procedure, physicians may no longer provide "partial-birth abortions" without risk of administrative and criminal penalties and civil liability. Any persons (including physicians--who are the only persons permitted to perform abortions under current law), may be subject, at a minimum, to

[3]"Abortion" is currently defined in chapter 390, F.S., as "the termination of human pregnancy with an intention other than to produce a live birth or to remove a dead fetus." *See* s. 390.011(1), F.S.

the following punishments for the commission of a partial-birth abortion: imprisonment up to 15 years under s. 775.082, F.S., fines up to $10,000, under s. 775.083, F.S., and extended sentencing terms as a habitual or repeat offender under s. 775.084, F.S.

To the extent that the bill forecloses partial-birth abortion as an option for abortion, and does not provide an exception for maternal health considerations, there may be other medical and hospitalization costs for any health related complications that may arise from this restriction.

C. Government Sector Impact:

Other than the constitutional challenges to the legislation, the Office of State Courts Administrator anticipates that there may be nominal fiscal impact on the state courts arising from criminal prosecutions of persons in violation of the Act.

This bill may have nominal fiscal impact on the Board of Medicine, the Board of Osteopathic Medicine and the Division of Administrative Hearings arising from any professional disciplinary proceedings related to the prosecution and conviction of any physician or other person in violation of the Act. The Agency for Health Care Administration anticipates that the bill will have no significant fiscal or other impact.

According to the Department of Corrections, there is no anticipated fiscal impact. The bill has not yet been reviewed by the Criminal Justice Estimating Conference.

VI. Technical Deficiencies:

- The possessive form of the term "fetus" may need to be corrected.

VII. Related Issues:

- Section 5 of the bill grants intervener party status to members of the Florida Legislature, apparently in their official capacities, in any legal action challenging the constitutionality of this Act. However, only legislative members who sponsored or cosponsored the Act have the right to intervene under this bill.

Under current law, in order to bring a suit to challenge the constitutionality of an act, a person must satisfy the initial threshold of "standing." Only persons who are directly affected by the law have standing to challenge its constitutionality based on a showing that enforcement of the statute will injuriously affect the person's personal or property rights. *See* *Miller v. Publicker Indus.*, 457 So.2d 1374 (Fla. 1984). As to the State, officers and agencies do not have standing *in their official capacity* to initiate a constitutional challenge of legislation affecting their duties but they may raise the constitutionality of the legislation as a defense in an action brought by another against the officer or agency. *See* *Dept. Of Education v. Lewis*, 416 So.2d 455, 458 (Fla. 1982). Typically, the Attorney General, as the state's chief legal officer, appears on behalf of the State in all civil, criminal or equity suits or prosecutions in which the State is a party or otherwise interested. *See* s. 4, art. IV, Fla. Const.; s. 16.01, F.S. The Attorney General may intervene on behalf of the State, when necessary, in any determination of the constitutionality of any state legislation as the State is a proper, but not a

necessary, party to such actions. *See* State ex rel. Shevin v. Kerwin, 279 So.2d 836, 837-838 (Fla. 1973).

A nonparty to a state court action has either a statutory right to intervene or a right to intervene in pending litigation in accordance with the Florida Rules of Civil Procedure. *See* Fla. R. Civ. P. 1.230. It is the court's discretion to grant intervention. Under the rules, the intervenor must show what his or her interest is in the litigation and that the litigation is of such a direct and immediate character that the intervenor will either gain or lose by the direct legal operation and effect of the judgment. *See Id.*; Union Cent. Life. Ins. Co. v. Carlisle 593 So.2d 505, 507 (Fla. 1992), citing to Morgareidge v. Howey, 75 Fla. 23, 238-239 (Fla. 1918). The *right to intervene is subordinated to the propriety of the main proceeding*, unless otherwise ordered by the court.

The intervenor provision in the bill will have no effect on a constitutional challenge filed in federal court. In federal court, intervention is governed, at a minimum, by Rule 24, Federal Rules of Civil Procedure, under which a party may have: 1) An unconditional right to intervene as conferred by federal statute, or based on an interest relating to the property or transaction, or 2) A permissible right to intervene as conferred by federal statute or based on a claim or defense that has a common question of law or fact with the main action. As a party to a federal or state action, all the rights and liabilities attendant with party status may inure, including but not be limited to, an award or sanction of attorney fees and costs. .

- The bill does not provide an exemption from prosecution of the mother for conspiracy for violation of the statute as is currently provided in s. 390.0111(5)(b), F.S. However, under common law, a pregnant woman is immune from criminal prosecution for self-inflicted prenatal injury or death of her fetus, regardless of felony murder, manslaughter and termination of pregnancy statutes. *See* State. Ashley, 701 So.2d 338 (Fla. 1997).

- This bill does not repeal the "Partial-Birth Abortion Act of 1997" in chapter 390, F.S., which has been declared unconstitutional by a federal district court in 1999. However, the courts will construe statutes relating to the same subject matter so as to give effect to all provisions of the law since it is assumed that the legislature intends to enact effective laws. *See* Ferguson v. State, 377 So.2d 709, 711 (Fla. 1979).

- The phrase "child's torso" is used in lieu of "fetus' torso," when describing a breech delivery outside the mother's abdominal wall. *See* line 14, page 2. The term "child" does not appear anywhere else in the bill and may have significance contrary to the fetus terminology used throughout the bill.

VIII. Amendments:

None.