

1 HB377
2 208887-1
3 By Representative Sorrell
4 RFD: Judiciary
5 First Read: 09-FEB-21

8 SYNOPSIS: This bill would ban non-surgical, chemical
9 abortions in this state.

10 This bill would make it unlawful to
11 manufacture, distribute, prescribe, dispense, sell,
12 or transfer the "abortion pill," otherwise known as
13 RU-486, Mifepristone, Mifegyne, or Mifeprex, or any
14 substantially similar generic or non-generic
15 abortifacient drug in this state.

16 This bill would also provide for criminal
17 penalties for violations of this act.

18 Amendment 621 of the Constitution of Alabama
19 of 1901, as amended by Amendment 890, now appearing
20 as Section 111.05 of the Official Recompilation of
21 the Constitution of Alabama of 1901, as amended,
22 prohibits a general law whose purpose or effect
23 would be to require a new or increased expenditure
24 of local funds from becoming effective with regard
25 to a local governmental entity without enactment by
26 a 2/3 vote unless: it comes within one of a number
27 of specified exceptions; it is approved by the

1 affected entity; or the Legislature appropriates
2 funds, or provides a local source of revenue, to
3 the entity for the purpose.

4 The purpose or effect of this bill would be
5 to require a new or increased expenditure of local
6 funds within the meaning of the amendment. If this
7 bill is not enacted by a 2/3 vote, it will not
8 become effective with regard to a local entity
9 unless approved by the local entity or until, and
10 only as long as, the Legislature appropriates funds
11 or provides for a local source of revenue.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT
16

17 Relating to abortion; to ban non-surgical, chemical
18 abortions in this state; to provide criminal penalties for
19 violations; and in connection therewith to have as its purpose
20 or effect the requirement of a new or increased expenditure of
21 local funds within the meaning of Amendment 621 of the
22 Constitution of Alabama of 1901, as amended by Amendment 890,
23 now appearing as Section 111.05 of the Official Recompilation
24 of the Constitution of Alabama of 1901, as amended.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. This act shall be known and may be cited
27 as the The Alabama Chemical Abortion Prohibition Act.

1 Section 2. Legislative Findings.

2 The Legislature finds and declares the following:

3 (1) Alabama is committed to the sanctity of human
4 life, from conception to natural death.

5 (2) On November 6, 2018, electors in this state
6 approved by a majority vote an amendment to the Constitution
7 of Alabama of 1901, declaring and affirming the public policy
8 of the state to recognize and support the sanctity of unborn
9 life and the rights of unborn children, including the right to
10 life.

11 (3) The Constitution of Alabama of 1901, does not
12 recognize the right to an abortion or require the funding of
13 abortions through public funds.

14 (4) Although unenforceable as a consequence of Roe
15 v. Wade, abortion remains a crime in Alabama, as set forth in
16 Section 13A-13-7, Code of Alabama 1975. Further, as set forth
17 in Section 13A-6-1, Code of Alabama 1975, when referring to
18 the victim of a criminal homicide or assault, the term
19 "person" means "a human being, including an unborn child in
20 utero at any stage of development, regardless of viability."
21 The Human Life Protection Act is an Alabama law enacted on May
22 15, 2019, to impose a near-total ban on abortion in this state
23 beginning in November 2019, but a legal challenge to the bill
24 has delayed implementation.

25 (5) It is a matter of public policy in this state
26 that abortion is not health care.

1 (6) Since Roe, the main method of abortion has been
2 surgical, where a physician extracts the unborn child from a
3 woman's body under anesthesia using surgical tools. Currently,
4 however, nearly 40 percent of all abortions are performed
5 through chemical abortion, which is the administration of
6 drugs into a woman's body to produce miscarriage-like symptoms
7 to abort the child. The process involves two different drugs,
8 taken 24 to 48 hours apart. The first drug is Mifepristone,
9 which is a progesterone blocker, blocking the hormone
10 essential to maintaining a pregnancy. The second drug is
11 Misoprostol, which induces the contractions that expel the
12 fetal remains. This process can take up to 14 days to
13 complete. Mifepristone is indicated almost exclusively for
14 chemical abortions. Chemical abortions result in complications
15 at a rate four times greater than the rate of complications
16 with surgical abortions.

17 (7) Most recently, chemical abortion is being made
18 available through the emerging tele-medicine industry, where a
19 woman meets online with a physician, who may be in a different
20 state; after an online assessment by the physician, she then
21 is provided a prescription with which she may self-induce an
22 abortion. Under these circumstances, the doctor-patient
23 relationship is tenuous at best, physician assessment of the
24 patient may be inadequate, and the physician is not available
25 to assist in the event of complications such as pain,
26 excessive and potentially life-threatening bleeding, allergic
27 reactions, and infection.

1 (8) A chemical abortion is more cost effective for
2 an abortion provider, as it allows significantly reduced
3 overhead costs for facilities, professional staff,
4 pharmaceuticals, and equipment.

5 Section 3. (a) It is unlawful for any person or
6 entity to manufacture, distribute, prescribe, dispense, sell,
7 or transfer the "abortion pill," otherwise known as RU-486,
8 Mifepristone, Mifegyne, or Mifeprex, or any substantially
9 similar generic or non-generic abortifacient drug in Alabama.

10 (b) A violation of this section is a Class C felony.

11 (c) No woman shall be charged or held criminally
12 liable under this act for the death of her own unborn child by
13 virtue of the use of an abortifacient drug.

14 (d) This act does not prohibit the sale, use,
15 prescription, or administration of any contraceptive agent
16 administered prior to conception or before a pregnancy can be
17 confirmed through conventional medical testing.

18 (e) Any law that regulates or recognizes chemical
19 abortion in this state that conflicts with this act is
20 repealed. If this act is challenged and enjoined pending a
21 final judicial decision, the existing laws and rules that
22 regulate or recognize chemical abortion shall remain in effect
23 during that time.

24 Section 4. Although this bill would have as its
25 purpose or effect the requirement of a new or increased
26 expenditure of local funds, the bill is excluded from further
27 requirements and application under Amendment 621, as amended

1 by Amendment 890, now appearing as Section 111.05 of the
2 Official ReCompilation of the Constitution of Alabama of 1901,
3 as amended, because the bill prescribes the minimum
4 compensation for public officials.

5 Section 5. This act shall become effective
6 immediately following its passage and approval by the
7 Governor, or its otherwise becoming law.