HB261

208887-1

By Representatives Sorrell, Dismukes, Holmes, Wadsworth, Lipscomb, Estes, Brown (C), Bedsole, Hanes, Kiel, Fincher, Meadows and Mooney

RFD: Judiciary

First Read: 03-FEB-22
SYNOPSIS: This bill would ban non-surgical, chemical abortions in this state.

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

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

Amendment 621 of the Constitution of Alabama of 1901, as amended by Amendment 890, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the
affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

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

A BILL

TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the The Alabama Chemical Abortion Prohibition Act.
Section 2. Legislative Findings.

The Legislature finds and declares the following:

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

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

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

(4) Although unenforceable as a consequence of Roe v. Wade, abortion remains a crime in Alabama, as set forth in Section 13A-13-7, Code of Alabama 1975. Further, as set forth in Section 13A-6-1, Code of Alabama 1975, when referring to the victim of a criminal homicide or assault, the term "person" means "a human being, including an unborn child in utero at any stage of development, regardless of viability."

The Human Life Protection Act is an Alabama law enacted on May 15, 2019, to impose a near-total ban on abortion in this state beginning in November 2019, but a legal challenge to the bill has delayed implementation.

(5) It is a matter of public policy in this state that abortion is not health care.
(6) Since Roe, the main method of abortion has been surgical, where a physician extracts the unborn child from a woman's body under anesthesia using surgical tools. Currently, however, nearly 40 percent of all abortions are performed through chemical abortion, which is the administration of drugs into a woman's body to produce miscarriage-like symptoms to abort the child. The process involves two different drugs, taken 24 to 48 hours apart. The first drug is Mifepristone, which is a progesterone blocker, blocking the hormone essential to maintaining a pregnancy. The second drug is Misoprostol, which induces the contractions that expel the fetal remains. This process can take up to 14 days to complete. Mifepristone is indicated almost exclusively for chemical abortions. Chemical abortions result in complications at a rate four times greater than the rate of complications with surgical abortions.

(7) Most recently, chemical abortion is being made available through the emerging tele-medicine industry, where a woman meets online with a physician, who may be in a different state; after an online assessment by the physician, she then is provided a prescription with which she may self-induce an abortion. Under these circumstances, the doctor-patient relationship is tenuous at best, physician assessment of the patient may be inadequate, and the physician is not available to assist in the event of complications such as pain, excessive and potentially life-threatening bleeding, allergic reactions, and infection.
(8) A chemical abortion is more cost effective for
an abortion provider, as it allows significantly reduced
overhead costs for facilities, professional staff,
pharmaceuticals, and equipment.

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

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

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

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

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

Section 4. Although this bill would have as its
purpose or effect the requirement of a new or increased
expenditure of local funds, the bill is excluded from further
requirements and application under Amendment 621, as amended
by Amendment 890, now appearing as Section 111.05 of the
Official Recompilation of the Constitution of Alabama of 1901,
as amended, because the bill prescribes the minimum
compensation for public officials.

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