

1.1 Senator ..... moves to amend S.F. No. 1 as follows:

1.2 Page 2, after line 4, insert:

1.3 "Sec. 2. [145.417] PARTIAL-BIRTH ABORTIONS PROHIBITED.

1.4 Subdivision 1. Definitions. (a) The terms defined in this subdivision apply to this section.

1.5 (b) "Health care provider" means a physician authorized to practice medicine in  
1.6 Minnesota, or other health care professional authorized to practice that individual's profession  
1.7 in Minnesota and authorized under state law to perform abortions.

1.8 (c) "Partial-birth abortion" means an abortion in which the individual performing the  
1.9 abortion:

1.10 (1) deliberately and intentionally vaginally delivers a living fetus until, in the case of a  
1.11 head-first presentation, the entire fetal head is outside the body of the mother, or, in the case  
1.12 of breech presentation, any part of the fetal trunk past the navel is outside the body of the  
1.13 mother, for the purpose of performing an overt act that the individual knows will kill the  
1.14 partially delivered fetus; and

1.15 (2) performs the overt act, other than completion of delivery, that kills the partially  
1.16 delivered fetus.

1.17 Subd. 2. Prohibition; exception. (a) Notwithstanding section 145.409, any health care  
1.18 provider, or any other individual who is not authorized under state law to perform abortions,  
1.19 who knowingly performs a partial-birth abortion and thereby kills a human fetus shall be  
1.20 fined not more than \$20,000, imprisoned for not more than two years, or both.

1.21 (b) Paragraph (a) does not apply to a partial-birth abortion that is necessary to save the  
1.22 life of a mother whose life is endangered by a physical disorder, physical illness, or physical  
1.23 injury, including a life-endangering physical condition caused by or arising from the  
1.24 pregnancy itself.

1.25 Subd. 3. Civil action. (a) Except as provided in paragraph (b), the following individuals  
1.26 may obtain appropriate relief in a civil action for a violation of subdivision 2:

1.27 (1) the father of the fetus, if married to the mother at the time she receives a partial-birth  
1.28 abortion procedure; and

1.29 (2) the maternal grandparents of the fetus, if the mother is under age 18 at the time she  
1.30 receives a partial-birth abortion procedure.

2.1 (b) An individual may not bring a civil action under paragraph (a) if the pregnancy  
2.2 resulted from the individual's criminal conduct or the individual consented to the abortion.

2.3 (c) Relief available under this subdivision shall include:

2.4 (1) monetary damages for all injuries, psychological and physical, occasioned by a  
2.5 violation of subdivision 2; and

2.6 (2) statutory damages equal to three times the cost of the partial-birth abortion.

2.7 Subd. 4. **Hearing before health-related licensing board.** A health care provider accused  
2.8 of violating subdivision 2 may seek a hearing before the health-related licensing board that  
2.9 licenses the health care provider, on whether the health care provider's conduct was necessary  
2.10 to save the life of the mother whose life was endangered by a physical disorder, physical  
2.11 illness, or physical injury, including a life-endangering physical condition caused by or  
2.12 arising from the pregnancy itself. The findings from that hearing on that issue are admissible  
2.13 on that issue in the health care provider's trial. Upon a motion of the health care provider,  
2.14 the court shall delay the beginning of the trial for not more than 30 days to permit such a  
2.15 hearing to take place.

2.16 Subd. 5. **Certain prosecutions prohibited.** A woman upon whom a partial-birth abortion  
2.17 is performed shall not be prosecuted for a violation of subdivision 2 or for conspiracy to  
2.18 violate subdivision 2.

2.19 **EFFECTIVE DATE.** This section is effective the day following final enactment."

2.20 Amend the title accordingly