

#A.B. ____

#ATLANTIC HEARTBEAT ACT

IN THE ASSEMBLY

Mr. Superpacman04, for himself, introduced the following legislation.

#A BILL

Be it enacted by the Assembly of the Atlantic Commonwealth,

#SECTION I. SHORT TITLE

(1) This legislation shall be known as the “Atlantic Heartbeat Act.”

#SECTION II. ASSEMBLY FINDINGS

(1) The Assembly of the Atlantic Commonwealth does find that:

> (a) An unborn child can develop a heartbeat as early as six weeks old; and

> (b) At such a point, it becomes undeniable that life has begun; and

> (c) No person should have the ability to take the life of an unborn child who has developed a heartbeat.

#SECTION III. DEFINITIONS

(1) “Fetal Heartbeat” is defined as cardiac activity or the steady and repetitive contraction of the fetal heart within the gestational sac.

(2) “Gestational Age” is defined as the amount of time that has elapsed from the first day of a woman’s last menstrual period

(3) “Gestational Sac” is defined as the structure comprising the extraembryonic membranes that envelop the unborn child and that is typically visible by ultrasound after the fourth week of pregnancy.

(4) “Physician” is defined as an individual licensed to practice medicine in this state including a medical doctor and a doctor of osteopathic medicine.

(5) “Pregnancy” is defined as the female reproductive system in which the egg is fertilized and the woman carries a developing human offspring.

(6) “Unborn Child” is defined as a human fetus or embryo in any stage of gestation from fertilization until birth.

#SECTION IV. DUTY OF THE PHYSICIAN

(1) The standard practice for finding a fetal heartbeat includes employing the appropriate means of detecting the heartbeat based on the gestational age of the unborn child and the condition of the mother.

(2) Except as otherwise provided by this Act, an abortion may not be performed or induced on a pregnant woman unless a physician has determined, in accordance with this section, whether the woman’s unborn child has a detectable fetal heartbeat.

(3) In making a determination under subsection 2 of this act, the physician must use a test that is;

> (a) Consistent with the physician’s good faith and reasonable understanding of standard medical practice; and

> (b) Appropriate for the estimated gestational age of the unborn child and the condition of the mother and the mother’s pregnancy.

(4) A physician making a determination under subsection 2 of this section shall record in the pregnant woman’s medical record:

> (a) The estimated gestational age of the unborn child;

> (b) The method used to determine the gestational age; and

> (c) The test used for detecting a fetal heartbeat including the date, time, and results of the test.

(5) Failure to comply with the provisions of this section of this act shall result in the imposition of a fine of one thousand dollars (\$1,000.00) on the physician who did not comply with this act.

#SECTION V. PROHIBITION OF ABORTION PROCEDURE

(1) Except as otherwise provided by this Act, a physician shall not perform or induce an abortion on a pregnant woman if the physician detected a fetal heartbeat for the unborn child or, as required by this act, failed to perform a test to detect a fetal heartbeat.

(2) A physician shall not be in violation of this section if they performed a test in accordance with this act and did not detect a fetal heartbeat for the unborn child.

(3) Failure to comply with the provisions of this section of this act shall result in the imposition of a fine of ten thousand dollars (\$10,000.00) on the physician who did not comply with this act.

#SECTION VI. EXCEPTIONS DUE TO EMERGENCY

(1) Sections VI and V of this Act shall not apply if a physician believes a medical emergency exists that prevents compliance with this act.

(2) A physician who performs or induces an abortion under circumstances described in subsection 1 of this section shall make written notations in the medical record of the pregnant woman's medical record of:

> (a) The physician's belief that a medical emergency necessitated the abortion; and

> (b) The medical condition of the pregnant woman that prevented compliance with this act.

(3) A physician performing or inducing an abortion under this section shall maintain in the physician's practice records a copy of the notations made under subsection 2 of this section.

#SECTION VII. ENACTMENT

(1) This legislation shall come into effect on January 1, 2023.

(2) This legislation shall take precedence over all previous pieces of legislation that might contradict it.

(3) Should any part of this resolution be struck down due to being unconstitutional, the rest shall remain law.