

SENATE BILL NO. 479

INTRODUCED BY T. MANZELLA

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO CHEMICAL ABORTION; PROVIDING NECESSARY CONDITIONS TO ADMINISTER A CHEMICAL ABORTION AFFECTING OR AS PART OF INTERSTATE COMMERCE; ESTABLISHING MANUFACTURER RESPONSIBILITY FOR THE PROPER DISPOSAL OF ABORTION DRUGS AND REMEDIATION OF TAINTED WASTEWATER SYSTEMS; AND PROVIDING DEFINITIONS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Definitions. As used in [sections 1 and 2], unless the context clearly indicates otherwise, the following definitions apply:

(1) "Abortion drug" means any medicine, drug, or any other substance, or any combination of drugs, medicines, or substances, when it is used to intentionally:

(a) kill the unborn child of a woman known to be pregnant; or

(b) terminate the pregnancy of a woman known to be pregnant, with an intention other than:

(i) to produce a live birth; or

(ii) to remove a dead unborn child.

(2) "Attempts to provide" means conduct that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in a chemical abortion.

(3) "Catch kit" means a collection container designed to catch and hold medical waste or infectious waste that is often used for collecting samples for testing.

(4) "Chemical abortion" refers to the use of an abortion drug to intentionally:

(a) kill the unborn child of a woman known to be pregnant; or

(b) terminate the pregnancy of a woman known to be pregnant, with an intention other than:

(i) to produce a live birth; or

(ii) to remove a dead unborn child.

(5) "Health care provider" means a person licensed to prescribe prescription drugs under applicable federal and state laws.

(6) "Medical waste bag" means a red biohazardous waste container made to contain medical or biohazardous waste and includes the terms "infectious waste bag", "health care waste bag", or "biohazard waste bag". Warning labels must be affixed to the container stating "BIOHAZARD" and depicting the biohazard symbol recognized by the American national standards institute. The container must either:

(a) be fluorescent orange or orange-red, with lettering and symbols in a contrasting color; or

(b) include the required warning labels in fluorescent orange or orange-red, with lettering and symbols in a contrasting color.

(7) "Provide" means to dispense or prescribe an abortion drug or to otherwise make an abortion drug available to a patient.

(8) "Unborn child" means an individual organism of the species homo sapiens beginning at conception until the point of being born alive.

NEW SECTION. Section 2. Conditions on providing chemical abortion affecting interstate commerce -- penalties. (1) A health care provider may not knowingly provide or attempt to provide a chemical abortion if the provision or attempt is in or affects interstate commerce without:

(a) physically examining the patient;

(b) being physically present at the location of the chemical abortion;

(c) scheduling a follow-up visit to assess the patient's physical condition that must occur not more than 7 days after the administration or use of the drug; and

(d) providing a catch kit and medical waste bag, including instructions for the patient to bring the catch kit and medical waste bag to the health care provider for proper disposal.

(2) Except as provided in subsection (3), a health care provider who violates any provision of subsection (1)(a) through (1)(d) is guilty of a felony and shall be fined not more than \$10,000 and imprisoned up to 3 years, or both, for each violation.

(3) This section does not apply to a chemical abortion that is necessary to preserve the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-

1 endangering physical condition.

2 (4) A patient on whom an abortion is performed may not be prosecuted for a violation of this
3 section or conspiracy to violate this section.

4 (5) Nothing in this section may be construed to have an impact on the treatment of a verified
5 ectopic pregnancy.

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7 NEW SECTION. **Section 3. Manufacturer responsibility for proper disposal of abortion drugs --**

8 **penalties.** (1) The manufacturer of an abortion drug is responsible for the proper disposal of discarded abortion
9 drugs and mitigation of the environmental effects of endocrine-disrupting chemical byproducts from chemical
10 abortion drugs entering public waste systems due to the disposal of tainted human remains entering the
11 wastewater system as a result of at-home abortions.

12 (2) If endocrine-disrupting chemical byproducts from chemical abortion drugs are found in
13 wastewater, the manufacturer is responsible for cleanup, remediation, and further preventative measures.

14 (3) A person who violates subsection (1) may be fined up to \$20,000 for each violation.

15 (4) For the purposes of this section, "abortion drug" means any medicine, drug, or any other
16 substance, or any combination of drugs, medicines, or substances, when it is used to intentionally:

17 (a) kill the unborn child of a woman known to be pregnant; or

18 (b) terminate the pregnancy of a woman known to be pregnant, with an intention other than:

19 (i) to produce a live birth; or

20 (ii) to remove a dead unborn child.

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22 NEW SECTION. **Section 4. Codification instruction.** (1) [Sections 1 through 2] are intended to be
23 codified as an integral part of Title 50, chapter 20, and the provisions of Title 50, chapter 20, apply to [sections
24 1 through 2].

25 (2) [Section 3] is intended to be codified as an integral part of Title 75, chapter 6, part 1, and the
26 provisions of Title 75, chapter 6, part 1, apply to [section 3].

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28 NEW SECTION. **Section 5. Severability.** If a part of [this act] is invalid, all valid parts that are

- 1 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
- 2 the part remains in effect in all valid applications that are severable from the invalid applications.

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