

1 AN ACT concerning abortion.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Abortion Law of 1975 is amended
5 by changing Section 6 as follows:

6 (720 ILCS 510/6) (from Ch. 38, par. 81-26)

7 Sec. 6. (1) (a) Any physician who intentionally performs
8 an abortion when, in his or her medical judgment based on the
9 particular facts of the case before him, there is a
10 reasonable likelihood of sustained survival of the fetus
11 outside the womb, with or without artificial support, shall
12 utilize that method of abortion which, of those he knows to
13 be available, is in his medical judgment most likely to
14 preserve the life and health of the fetus.

15 (b) The physician shall certify in writing, on a form
16 prescribed by the Department under Section 10 of this Act,
17 the available methods considered and the reasons for choosing
18 the method employed.

19 (c) Any physician who intentionally, knowingly, or
20 recklessly violates the provisions of Section 6(1)(a) commits
21 a Class 3 felony.

22 (2) (a) No abortion shall be performed or induced when
23 the fetus is viable unless there is in attendance a physician
24 other than the physician performing or inducing the abortion
25 who shall take control of and provide immediate medical care
26 for any child born alive as a result of the abortion. This
27 requirement shall not apply when, in the medical judgment of
28 the physician performing or inducing the abortion based on
29 the particular facts of the case before him, there exists a
30 medical emergency; in such a case, the physician shall
31 describe the basis of this judgment on the form prescribed by

1 Section 10 of this Act. Any physician who intentionally
2 performs or induces such an abortion and who intentionally,
3 knowingly, or recklessly fails to arrange for the attendance
4 of such a second physician in violation of Section 6(2)(a)
5 commits a Class 3 felony.

6 (b) Subsequent to the abortion, if a child is born
7 alive, the physician required by Section 6(2)(a) to be in
8 attendance shall exercise the same degree of professional
9 skill, care and diligence to preserve the life and health of
10 the child as would be required of a physician providing
11 immediate medical care to a child born alive in the course of
12 a pregnancy termination which was not an abortion. Any such
13 physician who intentionally, knowingly, or recklessly
14 violates Section 6(2)(b) commits a Class 3 felony.

15 (3) The law of this State shall not be construed to
16 imply that any living individual organism of the species homo
17 sapiens who has been born alive is not an individual under
18 the "Criminal Code of 1961," approved July 28, 1961, as
19 amended.

20 (4) (a) Any physician who intentionally performs an
21 abortion when, in his medical judgment based on the
22 particular facts of the case before him, there is a
23 reasonable possibility of sustained survival of the fetus
24 outside the womb, with or without artificial support, shall
25 utilize that method of abortion which, of those he knows to
26 be available, is in his medical judgment most likely to
27 preserve the life and health of the fetus.

28 (b) The physician shall certify in writing, on a form
29 prescribed by the Department under Section 10 of this Act,
30 the available methods considered and the reasons for choosing
31 the method employed.

32 (c) Any physician who intentionally, knowingly, or
33 recklessly violates the provisions of Section 6(4)(a) commits
34 a Class 3 felony.

1 (5) Nothing in Section 6 requires a physician to employ
2 a method of abortion which, in the medical judgment of the
3 physician performing the abortion based on the particular
4 facts of the case before him, would increase medical risk to
5 the mother.

6 (6) When the fetus is viable and when there exists
7 reasonable medical certainty (a) that the particular method
8 of abortion to be employed will cause organic pain to the
9 fetus, and (b) that use of an anesthetic or analgesic would
10 abolish or alleviate organic pain to the fetus caused by the
11 particular method of abortion to be employed, then the
12 physician who is to perform the abortion or his agent or the
13 referring physician or his agent shall inform the woman upon
14 whom the abortion is to be performed that such an anesthetic
15 or analgesic is available, if he knows it to be available,
16 for use to abolish or alleviate organic pain caused to the
17 fetus by the particular method of abortion to be employed.
18 Any person who performs an abortion with knowledge that any
19 such reasonable medical certainty exists and that such an
20 anesthetic or analgesic is available, and intentionally fails
21 to so inform the woman or to ascertain that the woman has
22 been so informed commits a Class B misdemeanor. The foregoing
23 requirements of subsection (6) of Section 6 shall not apply
24 (a) when in the medical judgment of the physician who is to
25 perform the abortion or the referring physician based upon
26 the particular facts of the case before him: (i) there exists
27 a medical emergency, or (ii) the administration of such an
28 anesthetic or analgesic would decrease a possibility of
29 sustained survival of the fetus apart from the body of the
30 mother, with or without artificial support, or (b) when the
31 physician who is to perform the abortion administers an
32 anesthetic or an analgesic to the woman or the fetus and he
33 knows there exists reasonable medical certainty that such use
34 will abolish organic pain caused to the fetus during the

1 course of the abortion.

2 (7) No person shall sell or experiment upon a fetus
3 produced by the fertilization of a human ovum by a human
4 sperm unless such experimentation is therapeutic to the fetus
5 thereby produced. Intentional violation of this section is a
6 Class A misdemeanor. Nothing in this subsection (7) is
7 intended to prohibit the performance of in vitro
8 fertilization.

9 (8) No person shall intentionally perform an abortion
10 with knowledge that the pregnant woman is seeking the
11 abortion solely on account of the sex of the fetus. Nothing
12 in Section 6(8) shall be construed to proscribe the
13 performance of an abortion on account of the sex of the fetus
14 because of a genetic disorder linked to that sex. If the
15 application of Section 6(8) to the period of pregnancy prior
16 to viability is held invalid, then such invalidity shall not
17 affect its application to the period of pregnancy subsequent
18 to viability.

19 (Source: P.A. 84-1001.)