

# HOUSE BILL 1195

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By: **Delegates Cox, Arikan, Beitzel, Boteler, Impallaria, McComas, Otto, Parrott, and Reilly**

Introduced and read first time: February 8, 2019

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health – Maryland Fetal Heartbeat Protection Act**

3 FOR the purpose of repealing certain provisions of law related to prohibiting the State from  
4 interfering with the decision of a woman to terminate a pregnancy under certain  
5 circumstances, authorizing the Maryland Department of Health to adopt certain  
6 regulations, and limiting the liability for civil damages or criminal penalties for  
7 physicians under certain circumstances; requiring a physician to inform a woman of  
8 certain information under certain circumstances; prohibiting a physician from  
9 performing an abortion under certain circumstances until after a certain time period;  
10 authorizing the Department to adopt certain regulations; prohibiting a physician  
11 from performing or inducing or attempting to perform or induce an abortion before  
12 the physician makes a certain determination; requiring a physician to use a certain  
13 procedure in determining whether a fetus has a detectable heartbeat; requiring a  
14 physician to make the fetal heartbeat audible for the pregnant woman to hear under  
15 certain circumstances; establishing certain penalties for certain violations of this  
16 Act; authorizing a physician to perform or induce an abortion under certain  
17 circumstances; requiring a physician who performs or induces an abortion under  
18 certain circumstances to include certain notations or documents in the pregnant  
19 woman's medical records; requiring a physician to keep certain notations and  
20 documents for a certain time period; providing that a physician is not in violation of  
21 this Act under certain circumstances; providing that a pregnant woman on whom an  
22 abortion is performed in violation of this Act is not subject to certain penalties;  
23 authorizing a certain woman to file a civil action in a court of competent jurisdiction  
24 under certain circumstances; providing that a woman who prevails in a certain  
25 action shall receive certain damages, court costs, and attorney's fees; providing that  
26 a court shall award court costs and attorney's fees to a defendant in a certain action  
27 under certain circumstances; providing for the application of certain provisions of  
28 this Act; providing that the Attorney General may apply to certain courts for certain  
29 relief under certain circumstances; authorizing a county prosecutor to apply for  
30 certain relief from certain courts under certain circumstances; defining certain

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 terms; making the provisions of this Act severable; making conforming changes; and  
2 generally relating to fetal heartbeats and performing or inducing an abortion.

3 BY repealing and reenacting, with amendments,  
4 Article – Health – General  
5 Section 20–207  
6 Annotated Code of Maryland  
7 (2015 Replacement Volume and 2018 Supplement)

8 BY repealing  
9 Article – Health – General  
10 Section 20–209  
11 Annotated Code of Maryland  
12 (2015 Replacement Volume and 2018 Supplement)

13 BY adding to  
14 Article – Health – General  
15 Section 20–209 through 20–212  
16 Annotated Code of Maryland  
17 (2015 Replacement Volume and 2018 Supplement)

18 Preamble

19 WHEREAS, As many as 30% of natural pregnancies end in spontaneous miscarriage;  
20 and

21 WHEREAS, Fewer than 5% of all natural pregnancies end in spontaneous  
22 miscarriage after detection of fetal cardiac activity; and

23 WHEREAS, Over 90% of in vitro pregnancies survive the first trimester if cardiac  
24 activity is detected in the gestational sac; and

25 WHEREAS, Nearly 90% of in vitro pregnancies do not survive the first trimester  
26 where cardiac activity is not detected in the gestational sac; and

27 WHEREAS, Fetal heartbeat is a key medical predictor that an unborn human  
28 individual will reach live birth; and

29 WHEREAS, Cardiac activity begins at a biologically identifiable moment in time,  
30 normally when the fetal heart is formed in the gestational sac; and

31 WHEREAS, The State has legitimate interests from the outset of the pregnancy in  
32 protecting the health of the woman and the life of an unborn human individual who may  
33 be born; and

34 WHEREAS, In order to make an informed choice about whether to continue a  
35 pregnancy, a pregnant woman has a legitimate interest in knowing the likelihood of the

1 human fetus surviving to full-term birth based on the presence of fetal cardiac activity;  
2 now, therefore,

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
4 That the Laws of Maryland read as follows:

5 **Article – Health – General**

6 20–207.

7 (A) In Part II of this subtitle[, the word “physician”] **THE FOLLOWING WORDS**  
8 **HAVE THE MEANINGS INDICATED.**

9 (B) **“FETAL HEARTBEAT” MEANS CARDIAC ACTIVITY OR THE STEADY AND**  
10 **REPETITIVE RHYTHMIC CONTRACTION OF THE FETAL HEART WITHIN THE**  
11 **GESTATIONAL SAC, WHICH IS THE STRUCTURE THAT COMPRISES THE**  
12 **EXTRAEMBRYONIC MEMBRANES THAT ENVELOP THE FETUS AND THAT IS TYPICALLY**  
13 **VISIBLE BY ULTRASOUND AFTER THE FOURTH WEEK OF PREGNANCY.**

14 (C) **“GESTATIONAL AGE” MEANS THE AGE OF AN EMBRYO OR A FETUS AS**  
15 **CALCULATED FROM THE FIRST DAY OF THE LAST MENSTRUAL PERIOD OF A**  
16 **PREGNANT WOMAN.**

17 (D) (1) **“MEDICAL EMERGENCY” MEANS A CONDITION THAT, IN**  
18 **REASONABLE MEDICAL JUDGMENT, COMPLICATES THE MEDICAL CONDITION OF A**  
19 **PREGNANT WOMAN AND:**

20 (I) **REQUIRES THE IMMEDIATE ABORTION OF HER PREGNANCY**  
21 **TO PREVENT HER DEATH WITHOUT FIRST DETERMINING WHETHER THERE IS A**  
22 **DETECTABLE FETAL HEARTBEAT; OR**

23 (II) **FOR WHICH THE DELAY CAUSED BY DETERMINING**  
24 **WHETHER THERE IS A DETECTABLE FETAL HEARTBEAT WILL CREATE SERIOUS RISK**  
25 **OF SUBSTANTIAL AND IRREVERSIBLE PHYSICAL IMPAIRMENT OF A MAJOR BODILY**  
26 **FUNCTION, NOT INCLUDING PSYCHOLOGICAL OR EMOTIONAL CONDITIONS.**

27 (2) **“MEDICAL EMERGENCY” DOES NOT INCLUDE A CONDITION THAT**  
28 **IS BASED ON A CLAIM OR DIAGNOSIS THAT THE WOMAN WILL ENGAGE IN CONDUCT**  
29 **THAT SHE INTENDS TO RESULT IN HER DEATH OR IN SUBSTANTIAL AND**  
30 **IRREVERSIBLE PHYSICAL IMPAIRMENT OF A MAJOR BODILY FUNCTION.**

31 (E) **“PHYSICIAN” means any person, including a doctor of osteopathy, licensed to**  
32 **practice medicine in the State of Maryland in compliance with the provisions of Title 14 of**  
33 **the Health Occupations Article.**

1           **(F) “REASONABLE MEDICAL JUDGMENT” MEANS A MEDICAL JUDGMENT**  
2 **THAT WOULD BE MADE BY A REASONABLY PRUDENT PHYSICIAN, KNOWLEDGEABLE**  
3 **ABOUT THE CASE AND THE TREATMENT POSSIBILITIES WITH RESPECT TO THE**  
4 **MEDICAL CONDITIONS INVOLVED.**

5 [20–209.

6           (a) In this section, “viable” means that stage when, in the best medical judgment  
7 of the attending physician based on the particular facts of the case before the physician,  
8 there is a reasonable likelihood of the fetus’s sustained survival outside the womb.

9           (b) Except as otherwise provided in this subtitle, the State may not interfere with  
10 the decision of a woman to terminate a pregnancy:

11                   (1) Before the fetus is viable; or

12                   (2) At any time during the woman’s pregnancy, if:

13                           (i) The termination procedure is necessary to protect the life or  
14 health of the woman; or

15                           (ii) The fetus is affected by genetic defect or serious deformity or  
16 abnormality.

17           (c) The Department may adopt regulations that:

18                   (1) Are both necessary and the least intrusive method to protect the life or  
19 health of the woman; and

20                   (2) Are not inconsistent with established medical practice.

21           (d) The physician is not liable for civil damages or subject to a criminal penalty  
22 for a decision to perform an abortion under this section made in good faith and in the  
23 physician’s best medical judgment in accordance with accepted standards of medical  
24 practice.]

25 **20–209.**

26           **(A) THIS SECTION APPLIES ONLY TO PREGNANCIES IN WHICH THE FETUS IS**  
27 **ATTACHED TO THE PLACENTA WITHIN THE UTERUS OF THE PREGNANT WOMAN.**

28           **(B) A PHYSICIAN SHALL INFORM A WOMAN OF THE PROBABLE**  
29 **GESTATIONAL AGE OF THE EMBRYO OR FETUS AT THE TIME AN ABORTION IS TO BE**  
30 **PERFORMED ON THE WOMAN.**

1           **(C) (1) IF AN ULTRASOUND IS PERFORMED, THE PHYSICIAN MAY NOT**  
2 **PERFORM AN ABORTION UNTIL 60 MINUTES HAVE ELAPSED FOLLOWING**  
3 **COMPLETION OF THE ULTRASOUND.**

4           **(2) THE PHYSICIAN WHO IS TO PERFORM THE ABORTION SHALL**  
5 **INFORM THE WOMAN BEFORE AN ULTRASOUND PROCEDURE OF HER RIGHT TO VIEW**  
6 **THE ULTRASOUND IMAGE DURING OR AFTER THE ULTRASOUND PROCEDURE.**

7           **(D) IF THE PHYSICIAN WHO INTENDS TO PERFORM OR INDUCE AN**  
8 **ABORTION ON A PREGNANT WOMAN HAS DETERMINED IN ACCORDANCE WITH §**  
9 **20–210 OF THIS SUBTITLE THAT THE FETUS HAS A DETECTABLE FETAL HEARTBEAT,**  
10 **THE PHYSICIAN SHALL INFORM THE PREGNANT WOMAN:**

11           **(1) IN WRITING THAT THE FETUS HAS A FETAL HEARTBEAT; AND**

12           **(2) THE STATISTICAL PROBABILITY, ABSENT AN INDUCED ABORTION,**  
13 **OF BRINGING THE FETUS TO TERM BASED ON THE GESTATIONAL AGE OF THE FETUS:**

14           **(i) TO THE BEST OF THE PHYSICIAN’S KNOWLEDGE; OR**

15           **(ii) IF THE DEPARTMENT ADOPTS REGULATIONS UNDER**  
16 **SUBSECTION (E) OF THIS SECTION, AS DETERMINED BY THE DEPARTMENT.**

17           **(E) THE DEPARTMENT MAY ADOPT REGULATIONS BASED ON AVAILABLE**  
18 **MEDICAL EVIDENCE ON THE STATISTICAL PROBABILITY OF BRINGING A FETUS WITH**  
19 **A DETECTABLE HEARTBEAT TO TERM BASED ON THE GESTATIONAL AGE OF THE**  
20 **FETUS.**

21 **20–210.**

22           **(A) THIS SECTION APPLIES ONLY TO PREGNANCIES IN WHICH THE FETUS IS**  
23 **ATTACHED TO THE PLACENTA WITHIN THE UTERUS OF THE PREGNANT WOMAN.**

24           **(B) EXCEPT AS PROVIDED IN SUBSECTIONS (E) AND (F) OF THIS SECTION, A**  
25 **PHYSICIAN MAY NOT PERFORM OR INDUCE OR ATTEMPT TO PERFORM OR INDUCE**  
26 **AN ABORTION ON A PREGNANT WOMAN BEFORE A PHYSICIAN DETERMINES IN**  
27 **ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION WHETHER THE FETUS HAS A**  
28 **DETECTABLE HEARTBEAT.**

29           **(C) TO DETERMINE WHETHER A FETUS HAS A DETECTABLE HEARTBEAT, A**  
30 **PHYSICIAN SHALL:**

31           **(1) PERFORM AN OBSTETRIC ULTRASOUND ON THE PREGNANT**

1 WOMAN, USING A METHOD THE PHYSICIAN AND PATIENT AGREE IS BEST UNDER THE  
2 CIRCUMSTANCE;

3 (2) DURING THE PERFORMANCE OF THE ULTRASOUND, DISPLAY THE  
4 ULTRASOUND IMAGES SO THAT THE PREGNANT WOMAN MAY VIEW THE IMAGES; AND

5 (3) RECORD IN THE PREGNANT WOMAN'S MEDICAL RECORD A  
6 WRITTEN DESCRIPTION OF THE ULTRASOUND IMAGES OF THE FETUS'S CARDIAC  
7 ACTIVITY, IF PRESENT AND VIEWABLE.

8 (D) IF AT LEAST 8 WEEKS HAVE OCCURRED AFTER FERTILIZATION, THE  
9 PHYSICIAN WHO IS TO PERFORM OR INDUCE THE ABORTION SHALL:

10 (1) INFORM THE WOMAN THAT IT MAY BE POSSIBLE TO MAKE THE  
11 FETAL HEARTBEAT OF THE UNBORN CHILD AUDIBLE FOR THE PREGNANT WOMAN  
12 TO HEAR;

13 (2) ASK THE WOMAN IF SHE WOULD LIKE TO HEAR THE HEARTBEAT;  
14 AND

15 (3) IF THE WOMAN WOULD LIKE TO HEAR THE HEARTBEAT, MAKE THE  
16 EMBRYONIC OR FETAL HEARTBEAT OF THE UNBORN CHILD AUDIBLE FOR THE  
17 PREGNANT WOMAN TO HEAR USING A METHOD THE PHYSICIAN AND PATIENT AGREE  
18 IS BEST UNDER THE CIRCUMSTANCE.

19 (E) (1) SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO A  
20 PHYSICIAN WHO PERFORMS OR INDUCES AN ABORTION IF THE PHYSICIAN  
21 DETERMINES ACCORDING TO STANDARD MEDICAL PRACTICE THAT A MEDICAL  
22 EMERGENCY EXISTS THAT PREVENTS COMPLIANCE WITH SUBSECTION (B) OF THIS  
23 SECTION.

24 (2) (I) IF A PHYSICIAN PERFORMS OR INDUCES AN ABORTION ON A  
25 PREGNANT WOMAN IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION,  
26 THE PHYSICIAN SHALL MAKE A WRITTEN NOTATION IN THE PREGNANT WOMAN'S  
27 MEDICAL RECORDS OF:

28 1. THE PHYSICIAN'S BELIEF THAT A MEDICAL  
29 EMERGENCY EXISTED; AND

30 2. THE MEDICAL CONDITION OF THE PREGNANT WOMAN  
31 THAT PREVENTED COMPLIANCE WITH SUBSECTION (B) OF THIS SECTION.

32 (II) IF THE REASON FOR THE ABORTION WAS OTHER THAN TO

1 PRESERVE THE HEALTH OF THE PREGNANT WOMAN, THE WRITTEN NOTATION  
2 REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL SPECIFY THAT  
3 PRESERVING THE HEALTH OF THE PREGNANT WOMAN WAS NOT THE PURPOSE OF  
4 THE ABORTION.

5 (III) THE PHYSICIAN SHALL MAINTAIN IN THE PHYSICIAN'S  
6 RECORDS A COPY OF ANY WRITTEN NOTATION REQUIRED UNDER SUBPARAGRAPH  
7 (I) OF THIS PARAGRAPH FOR AT LEAST 7 YEARS AFTER THE DATE THE NOTATION  
8 WAS MADE.

9 (F) A PHYSICIAN IS NOT IN VIOLATION OF SUBSECTION (B) OF THIS SECTION  
10 IF:

11 (1) THE PHYSICIAN COMPLIES WITH SUBSECTION (C) OF THIS  
12 SECTION; AND

13 (2) THE METHOD USED TO TEST FOR THE PRESENCE OF A FETAL  
14 HEARTBEAT DOES NOT DETECT A HEARTBEAT.

15 (G) THIS SECTION DOES NOT PROHIBIT THE SALE, USE, PRESCRIPTION, OR  
16 ADMINISTRATION OF A DRUG, DEVICE, OR CHEMICAL THAT IS DESIGNED TO  
17 PREVENT FERTILIZATION.

18 (H) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND,  
19 ON CONVICTION, IS SUBJECT TO IMPRISONMENT OF UP TO 2 YEARS OR A FINE OF  
20 \$10,000 OR BOTH.

21 20-211.

22 (A) THIS SECTION APPLIES ONLY TO PREGNANCIES IN WHICH THE FETUS IS  
23 ATTACHED TO THE PLACENTA WITHIN THE UTERUS OF THE PREGNANT WOMAN.

24 (B) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION, A  
25 PHYSICIAN MAY NOT PERFORM OR INDUCE OR ATTEMPT TO PERFORM OR INDUCE  
26 AN ABORTION ON A PREGNANT WOMAN WITH THE INTENT OF CAUSING OR ABETTING  
27 THE TERMINATION OF THE LIFE OF THE FETUS IF A FETAL HEARTBEAT HAS BEEN  
28 DETECTED IN ACCORDANCE WITH § 20-210 OF THIS SUBTITLE.

29 (C) (1) SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO A  
30 PHYSICIAN WHO PERFORMS OR INDUCES AN ABORTION IF, IN THE PHYSICIAN'S  
31 REASONABLE MEDICAL JUDGMENT, THE ABORTION WAS NECESSARY TO PREVENT  
32 THE DEATH OF THE PREGNANT WOMAN OR TO PREVENT A SERIOUS RISK OF THE  
33 SUBSTANTIAL AND IRREVERSIBLE IMPAIRMENT OF A MAJOR BODILY FUNCTION OF

1 THE PREGNANT WOMAN.

2 (2) (I) A PHYSICIAN WHO PERFORMS OR INDUCES AN ABORTION  
3 UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE IN A WRITTEN  
4 DOCUMENT IN THE PREGNANT WOMAN'S MEDICAL RECORDS:

5 1. A DECLARATION THAT THE ABORTION IS NECESSARY,  
6 IN THE PHYSICIAN'S REASONABLE MEDICAL JUDGMENT, TO PREVENT THE DEATH OF  
7 THE PREGNANT WOMAN OR TO PREVENT A SERIOUS RISK OF THE SUBSTANTIAL AND  
8 IRREVERSIBLE PHYSICAL IMPAIRMENT OF A MAJOR BODILY FUNCTION OF THE  
9 PREGNANT WOMAN; AND

10 2. SPECIFIC INFORMATION ON:

11 A. THE PREGNANT WOMAN'S MEDICAL CONDITION THAT  
12 THE ABORTION ADDRESSED; AND

13 B. THE MEDICAL RATIONALE FOR THE PHYSICIAN'S  
14 CONCLUSION THAT THE ABORTION WAS NECESSARY TO PREVENT THE DEATH OF  
15 THE PREGNANT WOMAN OR TO PREVENT A SERIOUS RISK OF THE SUBSTANTIAL AND  
16 IRREVERSIBLE IMPAIRMENT OF A MAJOR BODILY FUNCTION OF THE PREGNANT  
17 WOMAN.

18 (II) IF THE REASON FOR THE ABORTION WAS OTHER THAN TO  
19 PRESERVE THE HEALTH OF THE PREGNANT WOMAN, THE WRITTEN DOCUMENT  
20 SHALL SPECIFY THAT PRESERVING THE HEALTH OF THE PREGNANT WOMAN WAS  
21 NOT THE PURPOSE OF THE ABORTION.

22 (III) THE PHYSICIAN SHALL MAINTAIN A COPY OF THE  
23 DOCUMENT IN THE PHYSICIAN'S RECORDS FOR AT LEAST 7 YEARS AFTER THE DATE  
24 THE DOCUMENT WAS CREATED.

25 (D) A PHYSICIAN IS NOT IN VIOLATION OF SUBSECTION (B) OF THIS SECTION  
26 IF THE PHYSICIAN ACTS IN ACCORDANCE WITH § 20-210 OF THIS SUBTITLE AND THE  
27 METHOD USED TO TEST FOR THE PRESENCE OF A FETAL HEARTBEAT DOES NOT  
28 DETECT A FETAL HEARTBEAT.

29 (E) THIS SECTION DOES NOT PROHIBIT THE SALE, USE, PRESCRIPTION, OR  
30 ADMINISTRATION OF A DRUG, DEVICE, OR CHEMICAL THAT IS DESIGNED TO  
31 PREVENT FERTILIZATION.

32 (F) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND,  
33 ON CONVICTION, IS SUBJECT TO IMPRISONMENT OF UP TO 2 YEARS OR A FINE OF



1 **\$10,000 OR BOTH.**

2 **20-212.**

3 **(A) A PREGNANT WOMAN ON WHOM AN ABORTION IS PERFORMED OR**  
4 **INDUCED IN VIOLATION OF § 20-210 OR § 20-211 OF THIS SUBTITLE:**

5 **(1) MAY NOT BE CRIMINALLY PROSECUTED FOR VIOLATING ANY OF**  
6 **THE PROVISIONS OF THIS SUBTITLE OR FOR ATTEMPTING TO COMMIT, CONSPIRING**  
7 **TO COMMIT, OR COMPLICITY IN COMMITTING A VIOLATION OF ANY OF THE**  
8 **PROVISIONS OF THIS SUBTITLE; AND**

9 **(2) IS NOT SUBJECT TO A CIVIL OR CRIMINAL PENALTY BASED ON THE**  
10 **ABORTION BEING PERFORMED OR INDUCED.**

11 **(B) A WOMAN MAY FILE A CIVIL ACTION IN A COURT OF COMPETENT**  
12 **JURISDICTION IF:**

13 **(1) AN ABORTION WAS PERFORMED OR INDUCED ON THE WOMAN IN**  
14 **VIOLATION OF § 20-210 OR § 20-211 OF THIS SUBTITLE; OR**

15 **(2) THE WOMAN WAS NOT PROVIDED THE INFORMATION REQUIRED**  
16 **UNDER § 20-209 OF THIS SUBTITLE.**

17 **(C) A WOMAN WHO PREVAILS IN AN ACTION FILED UNDER SUBSECTION (B)**  
18 **OF THIS SECTION SHALL BE AWARDED BY THE COURT THE FOLLOWING TO BE PAID**  
19 **BY THE PERSON WHO COMMITTED THE VIOLATION:**

20 **(1) DAMAGES IN AN AMOUNT EQUAL TO \$10,000 OR AN AMOUNT**  
21 **DETERMINED BY THE COURT AFTER CONSIDERATION OF THE EVIDENCE;**

22 **(2) COURT COSTS; AND**

23 **(3) REASONABLE ATTORNEY'S FEES.**

24 **(D) (1) THE COURT SHALL AWARD COURT COSTS AND REASONABLE**  
25 **ATTORNEY'S FEES TO A DEFENDANT IN AN ACTION FILED UNDER SUBSECTION (B) OF**  
26 **THIS SECTION IF:**

27 **(I) THE DEFENDANT PREVAILS; AND**

28 **(II) THE COURT FINDS THAT:**

1                   **1. COMMENCEMENT OF THE ACTION CONSTITUTES**  
2 **FRIVOLOUS CONDUCT; AND**

3                   **2. THE DEFENDANT WAS ADVERSELY AFFECTED BY THE**  
4 **FRIVOLOUS CONDUCT.**

5                   **(2) THE COURT'S FINDING OF FRIVOLOUSNESS DOES NOT MEET THE**  
6 **REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION IF THE CONCLUSION WAS**  
7 **BASED ON THE UNCONSTITUTIONALITY OF THE PROVISION THAT WAS ALLEGEDLY**  
8 **VIOLATED.**

9                   SECTION 2. AND BE IT FURTHER ENACTED, That:

10                   (a) After the issuance of a decision by the United States Supreme Court  
11 overruling *Roe v. Wade*, 410 U.S. 113 (1973), the issuance of any other court order or  
12 judgment restoring, expanding, or clarifying the authority of states to prohibit or regulate  
13 abortion entirely or in part, or the effective date of an amendment to the Constitution of  
14 the United States restoring, expanding, or clarifying the authority of states to prohibit or  
15 regulate abortion entirely or in part, the Attorney General may apply to the appropriate  
16 State or federal court for either or both of the following:

17                   (1) a declaration that any one or more of the statutory provisions specified  
18 in this Act are constitutional; and

19                   (2) a judgment or an order lifting an injunction against the enforcement of  
20 any of the provisions of this Act.

21                   (b) If the Attorney General fails to apply for the relief described in subsection (a)  
22 of this section within 30 days after an event described in subsection (a) of this section  
23 occurs, any county prosecutor may apply to the appropriate State or federal court for the  
24 relief described in subsection (a) of this section.

25                   SECTION 3. AND BE IT FURTHER ENACTED, That, if any provision of this Act or  
26 the application thereof to any person or circumstance is held invalid for any reason in a  
27 court of competent jurisdiction, the invalidity does not affect other provisions or any other  
28 application of this Act that can be given effect without the invalid provision or application,  
29 and for this purpose the provisions of this Act are declared severable.

30                   SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
31 1, 2019.