

1973-322-1

SEC. 1. It is not the intent of the Indiana General Assembly, in enacting this legislation, to acknowledge that there is a constitutional right to abortion on demand or to indicate that it approves of abortion, except to save the life of the mother. The General Assembly, is, however, controlled to a certain extent by recent Supreme Court decisions and this legislation is an attempt to abide by those decisions to the extent necessary.

No individual may be compelled to perform an abortion against his will. No hospital may be required to permit its facilities to be utilized for the performance of abortions. No individual may be permitted an abortion when the interest of that individual is outweighed by the express interests of the state in protecting the potentiality of human life.

The general assembly does find, however, in accordance with recent U.S. Supreme Court decisions that until the end of the first trimester of a pregnancy, the physician attending a pregnant woman, in consultation with his patient, is free to determine, without regulation by the state, that in his medical judgment the patient's pregnancy should be terminated, and, if such decision is reached, to effectuate such judgment by an abortion free of interference by the state.

The state further finds that after the end of the first trimester of pregnancy, the state itself has an important and legitimate interest in preserving and protecting the life and health of the pregnant woman, and accordingly, it is the intent of this legislation to require that no abortion shall be performed after the end of the first trimester except in a licensed hospital facility, as defined herein.

Further, the state finds that it has an important and legitimate interest in protecting the potentiality of human life which, at the time of the viability of the fetus, outweighs all other interests except those affecting the health of the mother herself, and accordingly it is the intent of this legislation to completely prohibit abortion after viability except when necessary to preserve the life of the mother, or to prevent grave permanent injury to her health.