



Fact Sheet: The Heartbeat Bill

House Bill 248, or the Heartbeat bill, works to ban all abortions after the detection of a fetal heartbeat. This could be as early as six or eight weeks of pregnancy. The supporters of this bill have expressed their interest in challenging *Roe vs. Wade* in the courts.

The Bill would:

- Redefine conception to mean fertilization of the egg.
- Require doctor to check for a fetal heartbeat prior to performing an abortion.
- Limit doctors from performing an abortion if a fetal heartbeat is detected.
- Make a violation of the heartbeat provision basis for civil action for “compensatory and exemplary damage”
- Allows a doctor’s license to be suspended for violating this provision.
- Contains an exception for a medical emergency that prevents the doctor from detecting a fetal heartbeat.
- This medical emergency must be documented. The doctor must explain the rationale for declaring this a medical emergency.
- Makes violation of the heartbeat provisions a felony of the fifth degree.
- Would allow the woman to file civil action for the wrongful death of her unborn child.
- Specifies that women who are seeking an abortion and do not have one due to the detection of a heartbeat are informed of their available options for adoption.
- Creates the joint legislative committee on adoption promotion and support.
- Mandates that the department of health inspect the medical records from any facility that performs abortions to ensure that those who perform abortions are in compliance with the reporting requirements specified in the bill.

The Bill is written in a manner that expresses the intent of the bill serving as a court challenge to *Roe v. Wade*. The bill specifies in code that a court challenge of the bill is “not to be regarded as tantamount to repeal of the provision.” It goes on to specify that if the supreme court of the United States issues a decision overruling *Roe v. Wade* then the Attorney General may apply to the appropriate court for any of the following:

- A declaration that the provisions of this bill are constitutional.
- A judgment or order that would lift any injunctions regarding the enforcement of the provisions of the bill.

If the Attorney General fails to apply for this within thirty days then any county prosecutor is permitted to apply to the appropriate court for these provisions.