

# HB2462



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

**HB2462**

by Rep. Chris Miller

### SYNOPSIS AS INTRODUCED:

720 ILCS 510/2

from Ch. 38, par. 81-22

Amends the Illinois Abortion Law of 1975. Defines "viability" to include when, in the medical judgment of the attending physician based on the particular facts of the case before the attending physician, the unborn child has a fetal heartbeat. Defines "fetal heartbeat" as the cardiac activity or the steady and repetitive rhythmic contraction of the fetal heart within the gestational sac. Effective immediately.

LRB101 10283 RLC 55388 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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 by  
5 changing Section 2 as follows:

6 (720 ILCS 510/2) (from Ch. 38, par. 81-22)

7 Sec. 2. Unless the language or context clearly indicates a  
8 different meaning is intended, the following words or phrases  
9 for the purpose of this Law shall be given the meaning ascribed  
10 to them:

11 (1) "Viability" means either:

12 (A) that stage of fetal development when, in the  
13 medical judgment of the attending physician based on the  
14 particular facts of the case before the attending physician  
15 ~~him~~, there is a reasonable likelihood of sustained survival  
16 of the fetus outside the womb, with or without artificial  
17 support; or

18 (B) when, in the medical judgment of the attending  
19 physician based on the particular facts of the case before  
20 the attending physician, the unborn child has a fetal  
21 heartbeat.

22 (2) "Physician" means any person licensed to practice  
23 medicine in all its branches under the Illinois Medical

1 Practice Act of 1987, as amended.

2 (3) "Department" means the Department of Public Health,  
3 State of Illinois.

4 (4) "Abortion" means the use of any instrument, medicine,  
5 drug or any other substance or device to terminate the  
6 pregnancy of a woman known to be pregnant with an intention  
7 other than to increase the probability of a live birth, to  
8 preserve the life or health of the child after live birth, or  
9 to remove a dead fetus.

10 (5) "Fertilization" and "conception" each mean the  
11 fertilization of a human ovum by a human sperm, which shall be  
12 deemed to have occurred at the time when it is known a  
13 spermatozoon has penetrated the cell membrane of the ovum.

14 (6) "Fetus" and "unborn child" each mean an individual  
15 organism of the species homo sapiens from fertilization until  
16 live birth.

17 (6.5) "Fetal heartbeat" means cardiac activity or the  
18 steady and repetitive rhythmic contraction of the fetal heart  
19 within the gestational sac.

20 (7) "Abortifacient" means any instrument, medicine, drug,  
21 or any other substance or device which is known to cause fetal  
22 death when employed in the usual and customary use for which it  
23 is manufactured, whether or not the fetus is known to exist  
24 when such substance or device is employed.

25 (8) "Born alive", "live born", and "live birth", when  
26 applied to an individual organism of the species homo sapiens,

1 each mean he or she was completely expelled or extracted from  
2 his or her mother and after such separation breathed or showed  
3 evidence of any of the following: beating of the heart,  
4 pulsation of the umbilical cord, or definite movement of  
5 voluntary muscles, irrespective of the duration of pregnancy  
6 and whether or not the umbilical cord has been cut or the  
7 placenta is attached.

8 (Source: P.A. 85-1209.)

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.