

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 721

BY RUBEL

AN ACT

1 RELATING TO ABORTION; AMENDING SECTION 18-608, IDAHO CODE, TO REMOVE A CODE  
2 REFERENCE; REPEALING SECTION 18-622, IDAHO CODE, RELATING TO THE DE-  
3 FENSE OF LIFE ACT; REPEALING SECTION 18-623, IDAHO CODE, RELATING TO  
4 ABORTION TRAFFICKING; AMENDING SECTION 18-8705, IDAHO CODE, TO REMOVE  
5 PROVISIONS REGARDING ABORTION; AMENDING SECTION 18-8706, IDAHO CODE,  
6 TO REMOVE PROVISIONS REGARDING ABORTION; AMENDING SECTION 18-8707,  
7 IDAHO CODE, TO REMOVE PROVISIONS REGARDING ABORTION; REPEALING CHAPTER  
8 88, TITLE 18, IDAHO CODE, RELATING TO THE FETAL HEARTBEAT PREBORN CHILD  
9 PROTECTION ACT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE  
10 DATE.  
11

12 Be It Enacted by the Legislature of the State of Idaho:

13 SECTION 1. That Section 18-608, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 18-608. CERTAIN ABORTIONS PERMITTED -- CONDITIONS AND GUIDELINES. (1)  
16 Abortions shall only be lawful if and when performed in a hospital or in a  
17 physician's regular office or a clinic, which office or clinic is properly  
18 staffed and equipped for the performance of such procedures and respect-  
19 ing which the responsible physician or physicians have made satisfactory  
20 arrangements with one (1) or more acute care hospitals within reasonable  
21 proximity thereof providing for the prompt availability of hospital care as  
22 may be required due to complications or emergencies that might arise.

23 (2) An abortion performed upon a woman who is in the second trimester of  
24 pregnancy shall only be lawful if the same is performed in a hospital.

25 (3) An abortion performed upon a woman who is in the third trimester  
26 of pregnancy shall only be lawful if the same is performed in a hospital and,  
27 in the judgment of the attending physician, corroborated by a like opinion  
28 of a consulting physician concurring therewith, either is necessary for the  
29 preservation of the life of such woman or, if not performed, such pregnancy  
30 would terminate in birth or delivery of a fetus unable to survive. Third-  
31 trimester abortions undertaken for preservation of the life of a pregnant  
32 patient, as permitted by this subsection, shall, consistent with accepted  
33 medical practice and with the well-being and safety of such patient, be per-  
34 formed in a manner consistent with preservation of any reasonable potential  
35 for survival of a viable fetus.

36 (4) Nothing in this section shall make legal any abortion that is oth-  
37 erwise illegal under any other law of this state, ~~including section 18-622,~~  
38 ~~Idaho Code.~~

39 SECTION 2. That Section 18-622, Idaho Code, be, and the same is hereby  
40 repealed.

1 SECTION 3. That Section 18-623, Idaho Code, be, and the same is hereby  
2 repealed.

3 SECTION 4. That Section 18-8705, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 18-8705. USE OF PUBLIC FUNDS FOR ABORTION PROHIBITED. (1) No pub-  
6 lic funds made available by the state, a county, a city, a public health  
7 district, a public school district, or any local political subdivision or  
8 agency thereof and distributed by any institution, board, commission, de-  
9 partment, agency, official, or employee of the state, a county, a city, a  
10 public health district, a public school district, or any local political  
11 subdivision or agency thereof shall be used in any way to provide, perform,  
12 or induce an abortion; assist in the provision or performance of an abor-  
13 tion; ~~promote abortion; counsel in favor of abortion; refer for abortion;~~ or  
14 provide facilities for an abortion or for training to provide or perform an  
15 abortion.

16 (2) No person, agency, organization, or any other party that receives  
17 funds authorized by the state, a county, a city, a public health district, a  
18 public school district, or any local political subdivision or agency thereof  
19 may use those funds to perform ~~or promote abortion, provide counseling in fa-~~  
20 ~~vor of abortion, make referral for abortion,~~ or provide facilities for abor-  
21 tion or for training to provide or perform abortion.

22 (3) No fund or committee authorized by Idaho Code for the special pro-  
23 tection of women or children shall be authorized to use or distribute public  
24 funds for payment for abortion, ~~abortion referrals, abortion counseling,~~ or  
25 abortion-related medical or social services.

26 (4) The provisions of subsections (1), (2), and (3) of this section  
27 shall not apply to:

28 (a) An abortion performed when the life of the mother is endangered by  
29 a physical disorder, physical illness, or physical injury, including a  
30 life-endangering physical condition caused by or arising from the preg-  
31 nancy itself;

32 (b) A hospital, as defined in section 39-1301, Idaho Code; or

33 (c) A contract or commercial transaction that is subject to a federal  
34 law related to medicaid.

35 SECTION 5. That Section 18-8706, Idaho Code, be, and the same is hereby  
36 amended to read as follows:

37 18-8706. USE OF SCHOOL TUITION AND FEES FOR ABORTION PROHIBITED. No  
38 part of any tuition or fees paid to a public institution of higher education  
39 shall be used in any way to pay for an abortion, provide or perform an abor-  
40 tion, ~~provide counseling in favor of abortion, make a referral for abortion,~~  
41 or provide facilities for an abortion or for training to provide or perform  
42 abortion.

43 SECTION 6. That Section 18-8707, Idaho Code, be, and the same is hereby  
44 amended to read as follows:

1 18-8707. ABORTION-RELATED ACTIVITIES PROHIBITED IN SCHOOL-BASED  
2 HEALTH CLINICS. (1) No facility operated at a public institution of higher  
3 education or operated by a public school district shall provide any of the  
4 following services to any person:

5 (a) Providing or performing an abortion; or

6 ~~(b) Counseling in favor of abortion;~~

7 ~~(c) Referring for abortion; or~~

8 ~~(d) (b)~~ Dispensing a drug classified as emergency contraception by the  
9 food and drug administration (FDA), except in the case of rape as de-  
10 fined in section 18-6101, Idaho Code.

11 (2) No employee of a public institution of higher education or a public  
12 school, acting within the scope of such person's employment, shall provide  
13 any of the following services to any person:

14 (a) Providing or performing an abortion; or

15 ~~(b) Counseling in favor of abortion;~~

16 ~~(c) Referring for abortion; or~~

17 ~~(d) (b)~~ Dispensing a drug classified as emergency contraception by the  
18 FDA, except in the case of rape as defined in section 18-6101, Idaho  
19 Code.

20 (3) The state department of education, state board of education, or  
21 other state agencies and local units of administration are prohibited from  
22 using state funds to provide or procure an abortion or distribute drugs clas-  
23 sified as emergency contraception by the FDA, except in the case of rape as  
24 defined in section 18-6101, Idaho Code.

25 SECTION 7. That Chapter 88, Title 18, Idaho Code, be, and the same is  
26 hereby repealed.

27 SECTION 8. An emergency existing therefor, which emergency is hereby  
28 declared to exist, this act shall be in full force and effect on and after  
29 July 1, 2024.