



DÁIL ÉIREANN

**AN BILLE SLÁINTE (FOIRCEANNADH TOIRCHIS A
RIALÁIL), 2018**

**HEALTH (REGULATION OF TERMINATION OF
PREGNANCY) BILL 2018**

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

DÁIL ÉIREANN

AN BILLE SLÁINTE (FOIRCEANNADH TOIRCHIS A RIALÁIL), 2018 —ROGHCHOISTE

HEALTH (REGULATION OF TERMINATION OF PREGNANCY) BILL 2018 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 1

1. In page 5, lines 19 and 20, to delete “Health (Regulation of Termination of Pregnancy) Act 2018” and substitute “Health (Access to Healthcare by Women Seeking Termination of Pregnancy) Act 2018”.

—Mick Wallace, Clare Daly, Joan Collins, Louise O’Reilly.

2. In page 5, line 19, to delete “Termination of Pregnancy” and substitute “Abortion”.

—Brid Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

SECTION 2

3. In page 5, between lines 27 and 28, to insert the following:

“ “abortion” means induced abortion to end a pregnancy using a medical or surgical procedure;”.

—Brid Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

4. In page 6, line 5, after “register” to insert “and such other healthcare practitioners as may be defined by the Minister from time to time”.

—Mick Wallace, Clare Daly, Joan Collins, Louise O’Reilly.

5. In page 6, line 5, after “register” to insert “and also a competently trained healthcare practitioner”.

—Brid Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

6. In page 6, between lines 8 and 9, to insert the following:

“ “pregnant person” means a person of any sex who is pregnant;”.

—Catherine Murphy.

[SECTION 2]

7. In page 6, lines 12 and 13, to delete “, in relation to a pregnant woman, means a medical procedure which is intended to end the life of a foetus” and substitute “means induced abortion to end a pregnancy using a medical or surgical procedure”.

—Mick Wallace, Clare Daly, Joan Collins, Louise O'Reilly.

8. In page 6, lines 12 and 13, to delete “woman, means a medical procedure which is intended to end the life of a foetus” and substitute “person, means inducing an abortion to end a pregnancy using a medical or surgical procedure”.

—Catherine Murphy.

9. In page 6, lines 12 and 13, to delete “a medical procedure which is intended to end the life of a foetus” and substitute “a medical or surgical procedure which is intended to end a pregnancy”.

—Kate O'Connell.

10. In page 6, line 13, to delete “intended to end the life of a foetus” and substitute “an induced abortion to end a pregnancy using a medical or surgical procedure”.

—Brid Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

11. In page 6, line 14, to delete “means a female person of any age” and substitute “means a person of any age who can become pregnant”.

—Mick Wallace, Clare Daly, Joan Collins, Catherine Martin, Louise O'Reilly.

12. In page 6, line 14, after “age” to insert “and a pregnant person”.

—Brid Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

SECTION 4

13. In page 6, to delete lines 27 to 29, and substitute the following:

“4. (1) The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

(2) No public moneys shall be provided by the Oireachtas to pay for the carrying out of a termination of pregnancy in accordance with this Act, other than a termination of pregnancy in accordance with *section 10* or *11* in a case where there is a risk to the life of the pregnant woman.”.

—Carol Nolan.

SECTION 5

14. In page 6, between lines 29 and 30, to insert the following:

“Guarantee of access

5. (1) The Minister for Health shall ensure that pregnant women may access abortion care in accordance with the terms of this Act in a safe and timely manner. The Minister shall be responsible for the provision and regulation of abortion care to the highest

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attainable standards.

- (2) Access to abortion care, including to related sexual and reproductive healthcare before and after an abortion, shall not be impeded on discriminatory grounds, including on grounds of race, sex, religion, national or ethnic origin, marital or family status, immigration status, sexual orientation, age, or other social status.
- (3) In making any decision under this Act, or in providing medical care and services under this Act, the provisions of the Act shall be interpreted in the manner most favourable to achieving positive health outcomes for the pregnant woman, and to the protection of her rights.”.

—Mick Wallace, Clare Daly, Joan Collins, Catherine Martin, Bríd Smith, Gino Kenny, Richard Boyd Barrett, Louise O'Reilly, Ruth Coppinger, Paul Murphy, Mick Barry.

15. In page 6, to delete lines 31 to 37 and substitute the following:

- “**5.** (1) It shall be an offence for a person intentionally or recklessly—
- (a) to cause injury or death to a pregnant person such as to cause their pregnancy to end, or
 - (b) without consent to administer any drug or substance to a pregnant person such as to cause their pregnancy to end.
- (2) It shall be an offence for a person intentionally to coerce or deceive a pregnant person into having an abortion against their will or without their knowledge.”.

—Catherine Murphy.

16. In page 6, lines 31 and 32, to delete all words from and including “(1) It” in line 31 down to and including line 32.

—Mick Wallace, Clare Daly, Joan Collins.

17. In page 6, lines 31 and 32, to delete “end the life of a foetus” and substitute “end a pregnancy”.

—Kate O'Connell.

18. In page 6, lines 31 and 32, to delete “end the life of a foetus” and substitute “terminate a pregnancy”.

—Louise O'Reilly.

19. In page 6, to delete lines 33 to 37.

—Catherine Martin.

20. In page 6, line 35, to delete “end the life of a foetus” and substitute “end a pregnancy”.

—Kate O'Connell.

21. In page 6, line 35, to delete “end the life of a foetus” and substitute “terminate a pregnancy”.

—Louise O'Reilly.

[SECTION 5]

22. In page 7, line 1, after “woman” to insert “or pregnant person”.
—Catherine Murphy.
23. In page 7, line 1, to delete “her” and substitute “their”.
—Catherine Murphy.
24. In page 7, between lines 2 and 3, to insert the following:
“(4) *Subsections (1) and (2)* shall not apply to a medical practitioner referred to in *sections 10, 11, 12, and 13*, who act with their reasonable opinion formed in good faith that the termination of pregnancy carried out is carried out in accordance with the law.”
—Louise O'Reilly.
25. In page 7, to delete lines 3 to 5.
—Catherine Murphy, Catherine Martin.
26. In page 7, line 3, to delete “It” and substitute “Save in the case where a person is acting with explicit instruction from the pregnant woman, it”.
—Louise O'Reilly.
27. In page 7, lines 3 to 5, to delete all words from and including “for” in line 3 down to and including “Act” in line 5 and substitute the following:
“to assist or coerce a pregnant woman to intentionally end, or attempt to end, a pregnancy otherwise than in accordance with the provisions of this Act”.
—Kate O'Connell.
28. In page 7, line 4, to delete “end, or attempt to end, the life of the foetus” and substitute “terminate, or attempt to terminate the pregnancy”.
—Louise O'Reilly.
29. In page 7, line 7, to delete “for a term not exceeding 14 years” and substitute “for a term proportionate to the scale of the offence”.
—Louise O'Reilly.
30. In page 7, line 10, to delete “*subsection (4)*” and substitute “this Act”.
—Catherine Murphy.
31. In page 7, between lines 11 and 12, to insert the following:
“(8) *Subsections (1) and (2)* shall not apply to a medical practitioner acting in good faith in respect of the provision of abortion.”
—Catherine Murphy.

Section opposed.

—Mick Wallace, Clare Daly, Joan Collins, Bríd Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry

[SECTION 6]

SECTION 6

Section opposed.

—Brid Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

SECTION 9

32. In page 8, between lines 7 and 8, to insert the following:

“Review of operation of Act

9. The Minister shall, not later than 5 years after the commencement of this section, carry out a review of the operation of this Act.”.

—An tAire Sláinte.

33. In page 8, line 13, after “woman” to insert “or pregnant person”.

—Catherine Murphy.

34. In page 8, line 17, to delete “means physical or mental health” and substitute the following:

“means a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity”.

—Mick Wallace, Clare Daly, Joan Collins, Catherine Murphy.

35. In page 8, line 17, to delete “or mental health” and substitute “, mental or social well-being”.

—Brid Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

36. In page 8, line 27, to delete “either before, or within 28 days of, birth”.

—Brid Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

37. In page 9, to delete lines 6 to 8.

—Stephen S. Donnelly.

38. In page 9, lines 7 and 8, to delete “survival outside the uterus without extraordinary life-sustaining measures” and substitute “sustained survival outside the uterus”.

—Catherine Murphy.

39. In page 9, lines 7 and 8, to delete “without extraordinary life-sustaining measures” and substitute “with reasonable medical care”.

—Kate O'Connell.

40. In page 9, lines 7 and 8, to delete “without extraordinary life-sustaining measures”.

—Brid Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

[SECTION 10]

SECTION 10

41. In page 9, line 10, to delete “A termination of pregnancy” and substitute “An abortion”.
—Bríd Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.
42. In page 9, line 10, after “out” to insert “by a competently trained medical practitioner”.
—Mick Wallace, Clare Daly, Joan Collins, Bríd Smith, Gino Kenny, Richard Boyd Barrett, Louise O'Reilly, Ruth Coppinger, Paul Murphy, Mick Barry.
43. In page 9, line 11, to delete “having examined the pregnant woman” and substitute “following a medical consultation with the pregnant woman”.
—Kate O'Connell.
44. In page 9, line 11, after “woman” to insert “and ascertained her views”.
—Mick Wallace, Clare Daly, Joan Collins, Stephen S. Donnelly, Louise O'Reilly.
45. In page 9, line 11, after “woman” to insert “or pregnant person”.
—Catherine Murphy.
46. In page 9, line 13, to delete “of serious harm”.
—Mick Wallace, Clare Daly, Joan Collins, Bríd Smith, Gino Kenny, Richard Boyd Barrett, Louise O'Reilly, Ruth Coppinger, Paul Murphy, Mick Barry.
47. In page 9, line 13, to delete “of serious”.
—Catherine Murphy.
48. In page 9, line 13, after “woman” to insert “or pregnant person”.
—Catherine Murphy.
49. In page 9, to delete line 14.
—Mick Wallace, Clare Daly, Joan Collins.
50. In page 9, line 14, after “viability” to insert the following:
“being the point in a pregnancy at which the foetus is capable of survival outside the uterus without extraordinary life-sustaining measures”.
—Stephen S. Donnelly.
51. In page 9, line 15, to delete “appropriate” and substitute “necessary”.
—Stephen S. Donnelly.
52. In page 9, line 15, to delete “avert” and substitute “reduce”.
—Mick Wallace, Clare Daly, Joan Collins, Catherine Murphy, Bríd Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.
53. In page 9, line 15, after “avert” to insert “or mitigate”.
—Alan Kelly, Louise O'Reilly.

[SECTION 10]

54. In page 9, line 16, after “*paragraph (a)*” to insert “and to give effect to the pregnant person’s wishes”.

—Catherine Murphy, Brid Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

55. In page 9, to delete lines 23 to 28.

—Mick Wallace, Clare Daly, Joan Collins, Louise O'Reilly.

56. In page 9, to delete lines 23 to 28 and substitute the following:

“(4) The obstetrician referred to in *paragraph (a)* of *subsection (2)* shall make such arrangements as he or she shall deem to be necessary for the carrying out as soon as may be of the termination of pregnancy to which the certification referred to in *subsection (3)* relates.”.

—Alan Kelly.

57. In page 9, to delete lines 23 to 28 and substitute the following:

“(4) The obstetrician referred to in *subsection (2)(a)*, or the medical practitioner referred to in *subsection (2)(b)* shall make such arrangements as he or she shall deem to be necessary for the termination of pregnancy as certified in *subsection (3)*.”.

—Kate O'Connell.

58. In page 9, lines 27 and 28, to delete “*subsection (2)(a)*.” and substitute the following:

“*subsection (2)(a)*, or

(c) by an appropriate medical practitioner, if the medical practitioners referred to in *subsection (2)* are not available.”.

—Stephen S. Donnelly.

SECTION 11

59. In page 9, line 33, to delete “having examined the pregnant woman” and substitute “following a medical consultation with the pregnant woman”.

—Kate O'Connell.

60. In page 9, line 33, to delete “examined” and substitute “consulted with”.

—Catherine Murphy.

61. In page 9, line 33, after “woman” to insert “or pregnant person”.

—Catherine Murphy.

62. In page 9, line 33, to delete “he or she” and substitute “a medical practitioner”.

—Catherine Murphy.

63. In page 9, line 35, to delete “of serious harm”.

—Brid Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

[SECTION 11]

64. In page 9, line 36, to delete “woman, and” and substitute the following:

“woman,

(b) the foetus has not reached viability, and”.

—Mattie McGrath, Michael Collins, Michael J. Healy-Rae, Danny Healy-Rae,
Michael Lowry, Peter Fitzpatrick, Carol Nolan, Michael Fitzmaurice, Noel Grealish, Peadar
Tóibín.

65. In page 9, line 36, after “woman” to insert “or pregnant person”.

—Catherine Murphy.

SECTION 12

66. In page 10, line 9, after “out” to insert “by a competently trained medical practitioner”.

—Mick Wallace, Clare Daly, Joan Collins.

67. In page 10, line 10, to delete “having examined the pregnant woman” and substitute “following a medical consultation with the pregnant woman”.

—Kate O’Connell.

68. In page 10, line 10, after “woman” to insert “or pregnant person”.

—Catherine Murphy.

69. In page 10, line 10, after “woman” to insert “and ascertained her views”.

—Stephen S. Donnelly, Louise O’Reilly.

70. In page 10, line 12, to delete “either before, or within 28 days of, birth”.

—Stephen S. Donnelly, Bríd Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger,
Paul Murphy, Mick Barry.

71. In page 10, line 12, to delete “within 28 days of” and substitute “shortly after”.

—Mick Wallace, Clare Daly, Joan Collins, Catherine Murphy.

72. In page 10, to delete lines 19 to 24.

—Mick Wallace, Clare Daly, Joan Collins, Catherine Murphy, Louise O’Reilly.

73. In page 10, to delete lines 19 to 24 and substitute the following:

“(4) The obstetrician referred to in *paragraph (a)* of *subsection (2)* shall make such arrangements as he or she shall deem to be necessary for the carrying out as soon as may be of the termination of pregnancy to which the certification referred to in *subsection (3)* relates.”.

—Alan Kelly.

74. In page 10, to delete lines 19 to 24 and substitute the following:

“(4) The obstetrician referred to in *subsection (2)(a)*, or the medical practitioner referred to in *subsection (2)(b)* shall make such arrangements as he or she shall deem to be necessary for the termination of pregnancy as certified in *subsection (3)*.”.

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—Kate O'Connell.

75. In page 10, lines 23 and 24, to delete “*subsection (2)(a)*.” and substitute the following:

“*subsection (2)(a)*, or

- (c) by an appropriate medical practitioner, if the medical practitioners referred to in *subsection (2)* are not available.”.

—Stephen S. Donnelly.

SECTION 13

76. In page 10, line 27, to delete “, having examined the pregnant woman,”.

—Mick Wallace, Clare Daly, Joan Collins, Louise O'Reilly.

77. In page 10, line 27, to delete “having examined the pregnant woman” and substitute “following a medical consultation with the pregnant woman”.

—Kate O'Connell.

78. In page 10, line 27, to delete “examined” and substitute “consulted with”.

—Catherine Murphy, Bríd Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

79. In page 10, line 27, after “woman” to insert “or pregnant person”.

—Catherine Murphy.

80. In page 10, line 27, to delete “he or she” and substitute “a medical practitioner”.

—Catherine Murphy.

81. In page 10, lines 28 and 29, to delete all words from and including “that” in line 28 down to and including line 29 and substitute the following:

“that—

- (a) the pregnancy concerned has not exceeded 12 weeks of pregnancy, and
(b) a termination of the pregnancy concerned is not being sought because of the sex or race of the foetus concerned or because of any condition or disability affecting the foetus concerned.”.

—Mattie McGrath, Michael Collins, Michael J. Healy-Rae, Danny Healy-Rae, Michael Lowry, Peter Fitzpatrick, Carol Nolan, Michael Fitzmaurice, Noel Grealish, Peadar Tóibín.

82. In page 10, to delete lines 30 to 34.

—Mick Wallace, Clare Daly, Joan Collins, Bríd Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

83. In page 10, between lines 30 and 31, to insert the following:

“(a) a termination of pregnancy is requested by the pregnant woman,”.

—Stephen S. Donnelly.

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84. In page 10, line 32, to delete “matter” and substitute “matters”.

—Mattie McGrath, Michael Collins, Michael J. Healy-Rae, Danny Healy-Rae, Michael Lowry, Peter Fitzpatrick, Carol Nolan, Michael Fitzmaurice, Noel Grealish, Peadar Tóibín.

85. In page 10, lines 32 to 34, to delete all words from and including “, and” in line 32 down to and including “*paragraph (a)*” in line 34.

—Seamus Healy, Catherine Murphy, Ruth Coppinger, Paul Murphy, Mick Barry.

86. In page 10, to delete lines 33 and 34 and substitute the following:

“(b) a period of not less than 3 days has elapsed from the date on which the pregnant woman made arrangements to attend the medical practitioner for the purpose of the examination referred to in *subsection (1)*.”.

—Alan Kelly.

87. In page 10, to delete lines 33 and 34 and substitute the following:

“(b) the third day from the date of certification referred to in *paragraph (a)* has been reached.”.

—Kate O'Connell.

88. In page 10, line 33, to delete “date of certification referred to in *paragraph (a)*” and substitute the following:

“date on which an appointment with the medical practitioner referred to in *subsection (1)* is requested”.

—Mick Wallace, Clare Daly, Joan Collins, Catherine Martin, Bríd Smith, Gino Kenny, Richard Boyd Barrett, Louise O'Reilly, Ruth Coppinger, Paul Murphy, Mick Barry.

89. In page 10, lines 37 and 38, to delete “as soon as may be after the period referred to in *subsection (2)(b)* has elapsed but”.

—Seamus Healy, Ruth Coppinger, Paul Murphy, Mick Barry.

90. In page 10, lines 37 and 38, to delete “as soon as may be after the period referred to in *subsection (2)(b)* has elapsed but before the pregnancy has exceeded 12 weeks of pregnancy” and substitute “within 24 hours”.

—Bríd Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

91. In page 10, lines 37 and 38, to delete “may be after the period referred to in *subsection (2)(b)* has elapsed” and substitute “possible”.

—Catherine Murphy.

92. In page 10, after line 38, to insert the following:

“(4) For the avoidance of doubt, nothing in this section shall prevent a medical practitioner from transferring care for the carrying out of the termination of pregnancy to another competently trained healthcare practitioner.”.

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—Mick Wallace, Clare Daly, Joan Collins.

93. In page 10, after line 38, to insert the following:

“(4) If the medical practitioner referred to in *subsection (1)* is not available, another appropriate medical practitioner may make such arrangements as are specified in *subsection (3)*.”.

—Stephen S. Donnelly.

94. In page 10, after line 38, to insert the following:

“(4) Nothing in this section shall prevent a medical practitioner from transferring care for the carrying out of the termination of pregnancy to another competently trained healthcare practitioner.”.

—Louise O'Reilly.

95. In page 11, to delete lines 1 to 3.

—Mick Wallace, Clare Daly, Joan Collins, Catherine Martin, Bríd Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

96. In page 11, lines 2 and 3, to delete “with the medical principle that pregnancy is generally dated from the first day of a woman’s last menstrual period” and substitute “with current medical principles”.

—Kate O'Connell.

97. In page 11, line 3, after “woman’s” to insert “or pregnant person’s”.

—Catherine Murphy.

SECTION 14

98. In page 11, between lines 3 and 4, to insert the following:

“Protection of infants born alive

14. (1) In this section, “born alive” means the complete emergence of a foetus from the body of the woman, regardless of the state of gestational development, who, after emergence, whether or not the umbilical cord has been cut or the placenta is attached, and regardless of whether the emergence occurs as a result of natural or induced labour, caesarean section, termination of pregnancy or otherwise, shows any evidence of life including, but not limited to, one or more of the following:

- (a) breathing;
- (b) a heartbeat;
- (c) umbilical cord pulsation; or
- (d) definite movement of voluntary muscles.

(2) In this section, “infant” means a foetus who has been born alive as a result of the carrying out or attempted carrying out of a termination of pregnancy under this Act.

(3) A medical practitioner shall take all steps as may be appropriate and practicable to

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preserve the life of an infant.

- (4) For the avoidance of doubt, the fact that the infant has been born alive as a result of the carrying out or attempted carrying out of a termination of pregnancy under this Act shall not be a relevant consideration for a medical practitioner when determining what constitutes an appropriate and/or practicable step under *subsection (3)*.”

—Mattie McGrath, Michael Collins, Michael J. Healy-Rae, Danny Healy-Rae, Michael Lowry, Peter Fitzpatrick, Carol Nolan, Michael Fitzmaurice, Noel Grealish, Peadar Tóibín.

99. In page 11, between lines 3 and 4, to insert the following:

“Administration of anaesthetic or analgesic to foetus

14. (1) A medical practitioner who carries out a termination of pregnancy shall take all steps as may be appropriate and practicable to avoid causing pain to the foetus.
- (2) Where the medical practitioner who is carrying out a termination of pregnancy is of the reasonable opinion formed in good faith that the gestational age of the foetus is 20 weeks or more, he or she shall administer or ensure the administration of an anaesthetic or analgesic to the foetus prior to the carrying out of the termination of pregnancy.
- (3) *Subsection (2)* shall not apply where—
- (a) 2 medical practitioners certify that they are of the reasonable opinion formed in good faith that the administration of an anaesthetic or analgesic to the foetus would pose a risk to the life, or of serious harm to the health, of the pregnant woman in respect of whom the termination of pregnancy is being carried out, or
- (b) a medical practitioner proposes to carry out a termination of pregnancy in accordance with *section 11* and it is not practicable to comply with the obligation in *subsection (2)* because of the particular circumstances of the case.
- (4) Where—
- (a) an anaesthetic or analgesic is administered to a foetus in accordance with *subsection (2)*, or
- (b) *subsection (3)* or *(4)* applies,
- the medical practitioner who carries out the termination of pregnancy shall include this information in the notification forwarded or caused to be forwarded to the Minister under *section 21(1)*.”

—Mattie McGrath, Michael Collins, Michael J. Healy-Rae, Danny Healy-Rae, Michael Lowry, Peter Fitzpatrick, Carol Nolan, Michael Fitzmaurice, Noel Grealish, Peadar Tóibín.

100. In page 11, between lines 3 and 4, to insert the following:

“Provision of foetal ultrasound imaging and auscultation of foetal heart tone

14. (1) At least 24 hours before the carrying out of a termination of pregnancy the relevant medical practitioner or a qualified person assisting the relevant medical practitioner shall perform ultrasound imaging of the foetus and auscultation of foetal heart tone.
- (2) The active ultrasound image referred to in *subsection (1)* must be of a quality consistent with standard medical practice, shall contain the dimensions of the foetus, and shall accurately portray the presence of external members and internal organs of the foetus, if present or viewable.
- (3) The auscultation of foetal heart tone referred to in *subsection (1)* must be of a quality consistent with standard medical practice.
- (4) Before or during the imaging and auscultation services referred to in *subsection (1)*, the relevant medical practitioner or the qualified person, as the case may be, shall offer the pregnant woman, orally and in person, the opportunity to view the active ultrasound of the foetus and hear the heartbeat of the foetus, if the heartbeat is audible.
- (5) At least 24 hours before the carrying out of a termination of pregnancy the relevant medical practitioner shall certify that—
- (a) foetal ultrasound imaging and auscultation of foetal heart tone have been performed,
- (b) the pregnant woman has been offered the opportunity to view the active ultrasound image of the foetus and to hear the heartbeat of the foetus, if the heartbeat is audible,
- (c) the pregnant woman either—
- (i) requested to view the active ultrasound imaging and hear auscultation of foetal heart tone, or
- (ii) opted not to view the active ultrasound imaging and hear auscultation of foetal heart tone.
- (6) The relevant medical practitioner shall obtain the signature of the pregnant woman on the certification referred to in *subsection (5)* verifying that it is factually correct.
- (7) A medical practitioner who contravenes *subsection (1), (4), (5) or (6)* shall be guilty of an offence.
- (8) A person who is guilty of an offence under *subsection (7)* shall be liable—
- (a) on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months, or both,
- (b) on conviction on indictment to a fine or imprisonment for a term not exceeding 4 years, or both.
- (9) In this section—

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“auscultation” means the act of listening for sounds made by internal organs of the foetus, specifically for a foetal heartbeat, utilising an ultrasound transducer and Foetal Heart Rate (FHR) monitor or similar device;

“midwife” means a person whose name is for the time being registered in the midwives division of the register of nurses and midwives established under section 46 of the Nurses and Midwives Act 2011;

“nurse” means a person whose name is for the time being registered in the register of nurses and midwives established under section 46 of the Nurses and Midwives Act 2011;

“qualified person” means a nurse, midwife or medical practitioner who is competent to perform foetal ultrasound imaging and auscultation of foetal heart tone services;

“relevant medical practitioner” means—

- (a) in the case of a termination of pregnancy to be carried out in accordance with *section 10* or *12*, the obstetrician by whom the termination of pregnancy is to be carried out, and
- (b) in the case of a termination of pregnancy to be carried out in accordance with *section 13*, the medical practitioner who has certified or is required to certify his or her opinion as to the matter referred to in *subsection (1)* of that section;

“ultrasound” means the use of ultrasonic waves for diagnostic or therapeutic purposes, specifically to monitor a developing foetus.”.

—Mattie McGrath, Michael Collins, Michael J. Healy-Rae, Danny Healy-Rae, Michael Lowry, Carol Nolan, Michael Fitzmaurice, Noel Grealish, Peadar Tóibín.

101. In page 11, between lines 3 and 4, to insert the following:

“Dignified disposal of foetal remains

- 14.** (1) The Minister shall make regulations to provide for the dignified disposal of the bodily remains of foetuses which have been the subject of terminations of pregnancy including the dignified disposal of ashes generated by the cremation of such remains in accordance with *subsection (2)(b)*.
- (2) The bodily remains of a foetus which has been the subject of a termination of pregnancy shall be disposed of only by way of:
- (a) burial in a burial ground for the purposes of section 44 of the Local Government (Sanitary Services) Act 1948; or
 - (b) cremation carried out in a crematorium, being a building fitted with appliances for the burning of human remains which is lawfully used for that purpose as its primary function.
- (3) The pregnant woman who has been the subject of the relevant termination of pregnancy shall be entitled to choose the manner of the disposal of the bodily remains of a foetus subject to this section and regulations made by the Minister thereunder.

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- (4) The regulations made by the Minister pursuant to *subsection (1)* shall provide for the manner of the dignified disposal of the bodily remains of a foetus which has been the subject of a termination of pregnancy where the relevant woman declines to choose the manner of the dignified disposal of the remains in question as provided for in *subsection (3)*.
- (5) A person who disposes of the bodily remains of a foetus which has been the subject of a termination of pregnancy otherwise than in accordance with *subsection (2)* shall be guilty of an offence.
- (6) A person who disposes of the bodily remains of a foetus which has been the subject of a termination of pregnancy otherwise than in accordance with regulations made by the Minister pursuant to *subsection (1)* and *(4)* shall be guilty of an offence.
- (7) A person who is guilty of an offence under *subsection (5)* or *(6)* shall be liable on summary conviction to a class A fine.
- (8) A person who sells or offers to sell a foetus or the bodily remains of a foetus which has been the subject of a termination of pregnancy or any part thereof shall be guilty of an offence.
- (9) A person who carries out any experiment or procedure not authorised by this Act on a foetus shall be guilty of an offence except in the case of *bona fide* and lawful medical assessment or treatment of the relevant pregnant woman or foetus by a medical practitioner.
- (10) A person who carries out any experiment or procedure not authorised by this Act on the bodily remains of a foetus which has been the subject of a termination of pregnancy or any part thereof shall be guilty of an offence.
- (11) A person who is guilty of an offence under *subsection (8)*, *(9)* or *(10)* shall be liable on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both.”.

—Mattie McGrath, Michael Collins, Michael J. Healy-Rae, Danny Healy-Rae,
Michael Lowry, Peter Fitzpatrick, Carol Nolan, Noel Grealish.

102.In page 11, line 6, after “woman” to insert “or pregnant person”.

—Catherine Murphy.

103.In page 11, line 11, after “woman” to insert “or pregnant person”.

—Catherine Murphy.

104.In page 11, line 13, after “woman” to insert “or pregnant person”.

—Catherine Murphy.

105.In page 11, line 13, to delete “her” and substitute “their”.

—Catherine Murphy.

[SECTION 16]

SECTION 16

106. In page 12, line 4, after “woman” to insert “or pregnant person”.

—Catherine Murphy.

SECTION 17

107. In page 12, line 8, to delete “7 days” and substitute “5 days”.

—Stephen S. Donnelly.

108. In page 12, line 8, to delete “7 days” and substitute “3 days”.

—Brid Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

109. In page 12, line 10, after “woman” to insert “or pregnant person”.

—Catherine Murphy.

110. In page 12, line 14, after “woman” to insert “or pregnant person”.

—Catherine Murphy.

111. In page 12, line 17, after “*subparagraph (i)*” to insert “and give effect to the pregnant person’s wish”.

—Brid Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

112. In page 12, line 20, to delete “either before, or within 28 days of, birth”.

—Brid Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

113. In page 12, line 23, after “woman” to insert “or pregnant person”.

—Catherine Murphy.

114. In page 12, line 24, to delete “woman” and substitute “person”.

—Catherine Murphy.

115. In page 12, line 25, after “woman” to insert “or pregnant person”.

—Catherine Murphy.

116. In page 12, line 32, after “woman” to insert “or pregnant person”.

—Catherine Murphy.

117. In page 12, line 34, to delete “woman” where it firstly occurs and substitute “person”.

—Catherine Murphy.

118. In page 12, line 34, after “woman” where it secondly occurs, to insert “or pregnant person”.

—Catherine Murphy.

[SECTION 18]

SECTION 18

119. In page 13, line 7, after “woman” to insert “or pregnant person”.

—Catherine Murphy.

120. In page 13, line 8, to delete “woman” and substitute “person”.

—Catherine Murphy.

121. In page 13, line 8, to delete “her” and substitute “their”.

—Catherine Murphy.

122. In page 13, line 8, to delete “she wishes” and substitute “they wish”.

—Catherine Murphy.

123. In page 13, line 10, to delete “woman” and substitute “person”.

—Catherine Murphy.

124. In page 13, line 10, to delete “her” and substitute “their”.

—Catherine Murphy.

SECTION 19

125. In page 14, line 1, to delete “woman” and substitute “person”.

—Catherine Murphy.

126. In page 14, line 2, to delete “her” and substitute “their”.

—Catherine Murphy.

127. In page 14, line 5, after “woman” to insert “or pregnant person”.

—Catherine Murphy.

SECTION 20

128. In page 14, line 25, to delete “or *section 13* certification” and substitute “, *section 13* certification or *section 22** certification”.

—Mattie McGrath, Michael Collins, Michael J. Healy-Rae, Danny Healy-Rae,
Michael Lowry, Carol Nolan, Michael Fitzmaurice, Noel Grealish, Peadar Tóibín.

[*This is a reference to the section proposed to be inserted by amendment No 145.]

SECTION 21

129. In page 14, to delete lines 27 to 36 and in page 15, to delete lines 1 to 25 and substitute the following:

“21. The Executive shall, for the purpose of monitoring and evaluation, keep records of terminations of pregnancy carried out in accordance with *sections 10, 11, 12* and *13* and publish an annual statistical report with respect to the incidence of and trends in relation to abortion.”.

—Mick Wallace, Clare Daly, Joan Collins, Louise O'Reilly.

[SECTION 21]

130.In page 14, line 27, to delete “a termination of pregnancy” and substitute “an abortion”.

—Brid Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

131.In page 14, line 27, after “out” to insert “or refused”.

—Brid Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

132.In page 14, line 28, after “out” to insert “or refused”.

—Brid Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

133.In page 14, line 28, to delete “termination of pregnancy” and substitute “abortion”.

—Brid Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

134.In page 14, between lines 31 and 32, to insert the following:

“(iii) the refusal to carry out an abortion,”.

—Brid Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

135.In page 14, line 33, after “out” to insert “or refused”.

—Brid Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

136.In page 14, after line 36, to insert the following:

(2) Where a termination of pregnancy is refused in accordance with *section 10, 11, 12 or 13*, the healthcare professional who refused the termination of pregnancy shall—

(a) keep, or cause to be kept, a record, in the prescribed form and manner, of—

(i) the refusal to carry out the termination of pregnancy, and

(ii) the information specified in *subsection (3)*,

and

(b) not later than 28 days after the termination of pregnancy has been refused, forward, or cause to be forwarded, a copy of that record, or such part of that record as may be prescribed, to the Minister in such a manner as may be prescribed.

(3) The following information is specified for the purposes of *subsection (2)(a)(ii)*:

(a) the Medical Council registration number attached to the registration of the medical practitioner who refused to carry out the termination of pregnancy;

(b) the ground upon which the termination of pregnancy was refused;

[SECTION 21]

- (c) the county of residence, or in the case of a woman or pregnant person who resides outside the State, the place of residence, of the woman or pregnant person in respect of whom the termination of pregnancy was refused;
- (d) the date on which the termination of pregnancy was refused.”.

—Catherine Murphy.

137.In page 15, line 3, after “out” to insert “or refused”.

—Brid Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

138.In page 15, line 9, to delete “woman” and substitute “person”.

—Catherine Murphy.

139.In page 15, line 10, after “woman” to insert “or pregnant person”.

—Catherine Murphy.

140.In page 15, line 11, after “out” to insert “or refused”.

—Brid Smith, Gino Kenny, Richard Boyd Barrett , Ruth Coppinger, Paul Murphy, Mick Barry.

141.In page 15, line 12, to delete “out.” and substitute the following:

“out;

- (e) the address at which the termination of pregnancy was carried out;
- (f) the age, marital status, ethnicity, gravidity and parity (including the numbers of any previous pregnancies resulting in live births, stillbirths over 24 weeks, spontaneous miscarriages, ectopic pregnancies and previous terminations of pregnancy) of the pregnant woman in respect of whom the termination of pregnancy was carried out;
- (g) the length of the pregnancy at the date on which the termination of pregnancy was carried out;
- (h) whether the pregnancy was singleton or multiple (specifying how many);
- (i) the date and the method of foeticide, if used;
- (j) the dates, methods and medical agents used to effect termination of pregnancy;
- (k) where the termination of pregnancy was a selective termination, the original number of fetuses and the number to which they were reduced;
- (l) where a termination of pregnancy has been carried out under section 12, the condition affecting the foetus and the method of and grounds for the diagnosis of that condition;
- (m) whether a live birth followed the termination of pregnancy, and, if so, the care given to the baby and its outcome;
- (n) if the death of the woman occurred as a result of the termination of pregnancy,

[SECTION 21]

the date and cause of death;

- (o) such other information as may be prescribed.”.

—Mattie McGrath, Michael Collins, Michael J. Healy-Rae, Danny Healy-Rae,
Michael Lowry, Peter Fitzpatrick, Carol Nolan, Michael Fitzmaurice, Noel Grealish, Peadar
Tóibín.

142. In page 15, line 12, to delete “out.” and substitute the following:

“out;

- (e) any information required to be included in the notification under *section 14(4)**.”.

—Mattie McGrath, Michael Collins, Michael J. Healy-Rae, Danny Healy-Rae,
Michael Lowry, Peter Fitzpatrick, Carol Nolan, Michael Fitzmaurice, Noel Grealish, Peadar
Tóibín.

[*This is a reference to the section proposed to be inserted by amendment No 99.]

143. In page 15, line 12, after “out” to insert “or refused”.

—Brid Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick
Barry.

144. In page 15, between lines 25 and 26, to insert the following:

“(7) A medical practitioner who wilfully or recklessly contravenes *subsection (1)* of this section shall be guilty of an offence.

(8) A person who is guilty of an offence under this section shall be liable—

- (a) on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months, or both,
(b) on conviction on indictment to a fine or imprisonment for a term not exceeding 5 years, or both.”.

—Mattie McGrath, Michael Collins, Michael J. Healy-Rae, Danny Healy-Rae,
Michael Lowry, Peter Fitzpatrick, Carol Nolan, Michael Fitzmaurice, Noel Grealish, Peadar
Tóibín.

145. In page 15, between lines 25 and 26, to insert the following:

“Parental notification

22. (1) A termination of pregnancy in respect of a pregnant minor may only be carried out in accordance with *section 10* where a copy of the certification referred to in that section has been served on a parent of the minor at least 24 hours before the termination of pregnancy is carried out.
- (2) In respect of a pregnant minor, a copy of the certification referred to in *section 11(2)* shall be served on a parent of the minor—
- (a) before the termination of pregnancy is carried out, or
- (b) where it is not practicable to do so before the termination of pregnancy is carried

[SECTION 21]

out, as soon as may be but, in any event, not later than 2 days after the making of that certification.

- (3) A termination of pregnancy in respect of a pregnant minor may only be carried out in accordance with *section 12* where a copy of the certification referred to in that section has been served on a parent of the minor at least 48 hours before the termination of pregnancy is carried out.
- (4) A termination of pregnancy in respect of a pregnant minor may only be carried out in accordance with *section 13* where a copy of the certification referred to in that section has been served on a parent of the minor at least 72 hours before the termination of pregnancy is carried out.
- (5) Service of any certification required to be served under this section shall be carried out in such manner as may be prescribed and shall be recorded in any notification required to be forwarded to the Minister under *section 21*.
- (6) The High Court, upon application made to it by any interested party, and if satisfied that it is in the best interests of the minor concerned, may make an order dispensing with any requirement for service provided for under this section.
- (7) An application under *subsection (6)* shall be made on notice to the parent or parents of the minor concerned, unless the High Court is satisfied that, in the particular circumstances of the case, it may justly proceed to hear and determine the application without notice to the parent or parents of the minor concerned.

- (8) In this section—

“minor” means a woman who has not attained the age of 16 years;

“parent” includes—

- (a) a guardian appointed under the Guardianship of Infants Act 1964,
- (b) any other natural or legal person acting *in loco parentis* in respect of the pregnant minor under any statutory power or order of a court and,
- (c) in the case of a minor who has been adopted under the Adoption Acts 1952 to 2010, or, where the child has been adopted outside the State and that adoption is recognised by the State by virtue of any statute or rule of law for the time being in force, the adopter or, where relevant, the surviving adopter.”

—Mattie McGrath, Michael Collins, Michael J. Healy-Rae, Danny Healy-Rae,
Michael Lowry, Peter Fitzpatrick, Carol Nolan, Michael Fitzmaurice, Noel Grealish, Peadar
Tóibín.

SECTION 22

146. In page 15, between lines 28 and 29, to insert the following:

“Information and informed consent

22. (1) Except in a case of an immediate risk to the life, or of serious harm to the health, of the pregnant woman, where it is immediately necessary to carry out the termination of pregnancy in order to avert that risk, no termination of pregnancy shall be carried out

[SECTION 22]

without the voluntary and informed consent of the pregnant woman.

- (2) Consent to a termination of pregnancy is voluntary and informed if and only if:
 - (a) the medical practitioner who is to perform the termination of pregnancy has informed the woman, orally and in person, of the following:
 - (i) medically accurate information that a reasonable patient in the position of the pregnant woman would consider material to the decision of whether or not to undergo the termination of pregnancy, including:
 - (I) a description of the proposed termination of pregnancy method;
 - (II) the immediate and long-term medical risks associated with the proposed termination of pregnancy method including, but not limited to, the risks of infection, hemorrhage, cervical or uterine perforation and danger to subsequent pregnancies;
 - (III) the medical risks associated with carrying her child to full term; and
 - (IV) alternatives to the termination of pregnancy;
 - (ii) the probable gestational age of the foetus at the time the termination of pregnancy is to be performed; and
 - (iii) the probable anatomical and physiological characteristics of the foetus at the time the abortion is to be performed.
 - (b) a suitably qualified person has informed the woman, orally and in person, of:
 - (i) the supports and benefits available for prenatal care, childbirth, and neonatal care;
 - (ii) the fact that the father of the foetus is legally liable to assist in the support of the child, even in instances where he has offered to pay for the termination of pregnancy.
- (3) Where it is intended to perform a termination of pregnancy on foetus who is twenty weeks' gestation or more, the health care professional intending to perform the termination of pregnancy or a qualified person assisting the health care professional shall, orally and in person, offer information on foetal pain to the pregnant woman.
- (4) The information offered in accordance with *subsection (3)* shall include, but shall not be limited to, the following:
 - (a) that, by twenty weeks, the foetus possesses all anatomical links in his or her nervous system (including spinal cord, nerve tracts, thalamus, and cortex) that are necessary in order to feel pain;
 - (b) that a foetus who is twenty weeks' gestation or more is fully capable of experiencing pain;
 - (c) the steps in the termination of pregnancy procedure intended to be performed and at which steps in the termination of pregnancy procedure the foetus is capable of feeling pain;

[SECTION 22]

- (d) that maternal anesthesia typically offers little pain prevention for the foetus; and
 - (e) that an anesthetic or analgesic is available in order to minimise and/or alleviate pain to the foetus.
- (5) Where it is intended that a termination of pregnancy be performed using abortion-inducing drugs, the health care professional who supplies the drugs to the woman intending to have the termination of pregnancy shall, orally and in person, inform the woman of the following:
- (a) that it may be possible to reverse the effects of the abortion-inducing drugs should she change her mind, but that time is of the essence; and
 - (b) that information on and assistance with reversing the effects of abortion-inducing drugs is available in the printed materials and DVD offered to her.
- (6) For the purposes of this section, the phrase “abortion-inducing drugs” means a medicine, drug, or any other substance prescribed or dispensed with the intent of terminating the clinically diagnosable pregnancy of a woman, with knowledge that the termination will with reasonable likelihood end the life of the foetus, other than drugs that may cause such a termination, but which are prescribed for other medical indication.
- (7) The Health Service Executive shall cause to be published printed materials and an informational DVD and shall develop and maintain a secure internet website, which may be part of an existing website, to provide the information required by and described in this section.
- (8) No information regarding persons using the website referred to in *subsection (7)* shall be collected or maintained.
- (9) The Health Service Executive shall monitor the website referred to in *subsection (7)* on a weekly basis to prevent and correct tampering.
- (10) The materials referred to in *subsection (7)* shall include:
- (a) information to a woman contemplating abortion of public and private agencies and services available to assist a woman through pregnancy, upon childbirth, and while her child is dependent including, but not limited to, adoption agencies;
 - (b) information as to available medical assistance, supports and benefits for prenatal care, childbirth, and neonatal care;
 - (c) information on the support obligations of the father of a child who is born.
- (11) The materials referred to in *subsection (7)* shall also include the following statement:
- There are many public and private agencies willing and able to help you to carry your child to term, and to assist you and your child after your child is born, whether you choose to keep your child or to place her or him for adoption. The law requires that your health care professional give you the opportunity to call agencies like these before you undergo an abortion.
- (12) Nothing in this Act shall operate to create an entitlement by a pregnant woman under

[SECTION 22]

the age of eighteen years to consent to medical treatment.

- (13) A medical practitioner who carries out a termination of pregnancy in accordance with *section 11* shall certify in writing in addition to the matters referred to in *section 11(1)*:
- (a) the nature of the medical emergency; and
 - (b) in cases where the voluntary and informed consent of the woman concerned was not obtained, the reason for its not having been obtained.
- (14) The failure to comply with the requirements of this section shall provide the basis for:
- (a) a civil action for damages (including aggravated and exemplary damages) by the woman concerned for breach of statutory duty;
 - (b) professional disciplinary action against the health professional concerned.
- (15) In any matter referred to in *subsection (14)* the court shall, upon application by the woman concerned or of its own motion, allow a woman to proceed using solely her initials or a pseudonym and may make such other protective orders as it considers necessary and appropriate to preserve the privacy of the woman concerned.”.

—Mattie McGrath, Michael Collins, Michael J. Healy-Rae, Danny Healy-Rae, Michael Lowry, Peter Fitzpatrick, Carol Nolan, Michael Fitzmaurice, Noel Grealish, Peadar Tóibín.

[*Acceptance of this amendment involves the deletion of section 22 of the Bill.*]

SECTION 23

147. In page 15, to delete lines 32 to 35 and substitute the following:

- “**23.** (1) Notwithstanding anything in this or any other enactment and notwithstanding any rule of law, or the terms of any oath or contract (whether of employment or otherwise), no healthcare worker or other person shall be under any obligation to carry out, or to make a certification in respect of, or to participate in carrying out or to make arrangements for the carrying out of, a termination of pregnancy in accordance with *section 10, 12 or 13* to which that person has a conscientious objection.”.

—Mattie McGrath, Michael Collins, Michael J. Healy-Rae, Danny Healy-Rae, Michael Lowry, Peter Fitzpatrick, Carol Nolan, Michael Fitzmaurice, Noel Grealish, Peadar Tóibín.

148. In page 15, line 33, to delete “or midwife” and substitute “, midwife, hospital or institution”.

—Mattie McGrath, Michael Collins, Michael J. Healy-Rae, Danny Healy-Rae, Michael Lowry, Peter Fitzpatrick, Carol Nolan, Michael Fitzmaurice, Noel Grealish, Peadar Tóibín.

149. In page 16, to delete lines 1 to 4.

—Mattie McGrath, Michael Collins, Michael J. Healy-Rae, Danny Healy-Rae, Michael Lowry, Peter Fitzpatrick, Carol Nolan, Michael Fitzmaurice, Noel Grealish, Peadar Tóibín.

[SECTION 23]

150. In page 16, line 1, after “shall,” to insert “within 24 hours,”.

—Brid Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

151. In page 16, lines 1 and 2, to delete “, as soon as may be,”.

—Seamus Healy, Ruth Coppinger, Paul Murphy, Mick Barry.

152. In page 16, lines 2 to 4, to delete all words from and including “make” in line 2 down to and including line 4 and substitute the following:

“inform the person requesting a termination of pregnancy that it may be available/availed of from another medical practitioner.”.

—Mattie McGrath, Michael Collins, Michael J. Healy-Rae, Danny Healy-Rae, Michael Lowry, Peter Fitzpatrick, Carol Nolan, Michael Fitzmaurice, Noel Grealish, Peadar Tóibín.

153. In page 16, line 2, after “the” where it firstly occurs to insert “prompt”.

—Seamus Healy, Ruth Coppinger, Paul Murphy, Mick Barry.

154. In page 16, line 2, after “woman” to insert “or pregnant person”.

—Catherine Murphy.

155. In page 16, line 3, to delete “woman” and substitute “person”.

—Catherine Murphy.

156. In page 16, between lines 4 and 5, to insert the following:

(4) Medical practitioners who refuse to carry out a procedure for the procurement of an abortion on the basis of conscientious objection must notify the Minister for Health in writing within 28 days of the decision being taken.

(5) No corporate body or institution in receipt of public monies may refuse to carry out a procedure in order to procure an abortion on the basis of conscientious objection.”.

—Catherine Murphy.

157. In page 16, between lines 4 and 5, to insert the following:

“(4) A person who has a conscientious objection referred to in *subsection (1)* but refuses to make arrangements for the transfer of care of the pregnant woman concerned shall be referred to the Medical Council for appropriate sanction.”.

—Louise O'Reilly.

158. In page 16, between lines 6 and 7, to insert the following:

“ “healthcare worker” includes a medical practitioner, nurse, midwife or pharmacist and any person training or studying to qualify or work as a medical practitioner, nurse, midwife or pharmacist;”.

[SECTION 23]

—Mattie McGrath, Michael Collins, Michael J. Healy-Rae, Danny Healy-Rae,
Michael Lowry, Peter Fitzpatrick, Carol Nolan, Michael Fitzmaurice, Noel Grealish, Peadar
Tóibín.

159.In page 16, to delete line 12 and substitute the following:

“of 2011;

“participate in carrying out a termination of pregnancy” means participate directly or indirectly in carrying out a termination of pregnancy, and includes—

- (a) prescribe, dispense, sell, advertise, promote, distribute or otherwise provide medication used for termination of pregnancy,
- (b) refer a pregnant woman for the making of a certification in respect of or for the carrying out of, a termination of pregnancy, and
- (c) supervise, delegate to, plan or support persons who are participating in carrying out a termination of pregnancy;

“pharmacist” means a person whose name is for the time being registered in the register of pharmacists established under section 13 of the Pharmacy Act 2007.”.

—Mattie McGrath, Michael Collins, Michael J. Healy-Rae, Danny Healy-Rae,
Michael Lowry, Peter Fitzpatrick, Carol Nolan, Michael Fitzmaurice, Noel Grealish, Peadar
Tóibín.

160.In page 16, to delete line 12 and substitute the following:

“of 2011;

“participate in carrying out a termination of pregnancy” means participate directly or indirectly in carrying out a termination of pregnancy, and includes refer a pregnant woman for the making of a certification in respect of or for the carrying out of, a termination of pregnancy.”.

—Mattie McGrath, Michael Collins, Michael J. Healy-Rae, Danny Healy-Rae,
Michael Lowry, Peter Fitzpatrick, Carol Nolan, Michael Fitzmaurice, Noel Grealish, Peadar
Tóibín.

161.In page 16, between lines 12 and 13, to insert the following:

“(5) Refusals of provision of abortion by a medical professional on the basis of conscientious objection must be notified to the Minister for Health by the medical professional concerned within 7 days of the refusal.”.

—Seamus Healy, Ruth Coppinger, Paul Murphy, Mick Barry.

162.In page 16, between lines 12 and 13, to insert the following:

“(5) Nothing in *subsection (1)* shall be construed as applying to an institution, hospital or medical facility.”.

—Brid Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick
Barry.

[SECTION 24]

SECTION 24

163. In page 16, between lines 12 and 13, to insert the following:

“Protection for persons exercising right of conscience

24. (1) A protected person shall be deemed to have all of the same rights, protections, causes of action, immunities and means of redress as are provided for by sections 11, 12, 13, 14 and 15 of the Protected Disclosures Act 2014 in respect of a person who makes a protected disclosure under that Act and, subject to any necessary modifications, the said sections shall be deemed to apply to a protected person and references in the said sections to the making of a protected disclosure shall be deemed to refer to a conscientious refusal.
- (2) Nothing in this section shall operate to affect any right or claim that a protected person may have, otherwise than under this section.
- (3) In this section—

“conscientious refusal” means a refusal or omission by a protected person to do any act referred to in *section 23(1)* in relation to a termination of pregnancy in accordance with *section 10, 12 or 13* to which that person has a conscientious objection;

“protected person” means any person referred to in *section 23* who refuses or omits to do any act referred to in *section 23(1)* in relation to a termination of pregnancy in accordance with *section 10, 12 or 13* to which that person has a conscientious objection.”.

—Mattie McGrath, Michael Collins, Michael J. Healy-Rae, Danny Healy-Rae,
Michael Lowry, Peter Fitzpatrick, Carol Nolan, Michael Fitzmaurice, Noel Grealish, Peadar
Tóibín.

Section opposed.

—Mick Wallace, Clare Daly, Joan Collins, Catherine Murphy, Bríd Smith, Gino Kenny,
Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

SECTION 25

164. In page 16, between lines 30 and 31, to insert the following:

“Offence against medical practitioner or healthcare facility

25. (1) It shall be an offence for a person, persons, or group to expose in any way the name of a medical practitioner, practitioners, or healthcare facility that has, is, or will carry out or participate in the termination of a pregnancy for the purposes of harassment.
- (2) It shall be an offence for a person, persons, or group to protest or harass a medical practitioner, practitioners, or healthcare facility that has, is, or will carry out or participate in the termination of a pregnancy.
- (3) A person who is guilty of an offence under this section shall be liable on conviction to a fine or imprisonment for a term not exceeding 12 months, or both.
- (4) A prosecution for an offence under this section may be brought only by or with the

[SECTION 25]

consent of the Director of Public Prosecutions.”.

—Louise O'Reilly.

165. In page 16, between lines 30 and 31, to insert the following:

“Review of operation of Act

25. The Minister shall—

- (a) not later than 2 years after this section comes into operation, commence an independent review of the operation of this Act, with a view to ensuring its provisions enable women’s access to abortion care in practice, and
- (b) not later than 12 months after its commencement, make a report to each House of the Oireachtas on the findings made on the review and of the conclusions drawn from the findings.”.

—Mick Wallace, Clare Daly, Joan Collins, Catherine Martin, Louise O'Reilly.

166. In page 17, line 1, to delete “woman” and substitute “person”.

—Catherine Murphy.

167. In page 17, line 9, to delete “in the State” and substitute “on the island of Ireland”.

—Catherine Martin, Louise O'Reilly.

168. In page 17, line 9, after “State” to insert “or in Northern Ireland”.

—Seamus Healy, Ruth Coppinger, Paul Murphy, Mick Barry.

169. In page 17, line 10, to delete “shall” and substitute “may”.

—Mick Wallace, Clare Daly, Joan Collins, Louise O'Reilly.

170. In page 17, line 11, to delete “services” and substitute “and/or out-patient services as appropriate”.

—Stephen S. Donnelly.

171. In page 17, between lines 11 and 12, to insert the following:

- “(3) The Health Service Executive shall make available without charge medical, surgical and midwifery services, including provision of prescribed drugs, for the purposes of pregnancy for women who are ordinarily resident in the State.”.

—Stephen S. Donnelly.

172. In page 17, between lines 11 and 12, to insert the following:

- “(3) The Minister shall lay before the Dáil, no more than 3 months after the passing of this Act, a report on the costs and implementation plan for the Health Service Executive to make available without charge medical, surgical and midwifery services, including provision of prescribed drugs, for the purposes of pregnancy for women who are

[SECTION 25]

ordinarily resident in the State.”.

—Stephen S. Donnelly.

173. In page 17, line 12, to delete “woman” and substitute “person”.

—Catherine Murphy.

174. In page 17, line 31, to delete “woman” and substitute “person”.

—Catherine Murphy.

SECTION 26

175. In page 17, line 37, to delete “woman” and substitute “person”.

—Catherine Murphy.

TITLE

176. In page 5, lines 5 to 11, to delete all words from and including “An” in line 5, down to and including “Act 1997;” in line 11 and substitute the following:

“An Act to ensure that pregnant women may have equitable access to abortion care in a safe and timely manner, and at no cost, and for that purpose to amend the Health Act 1970 and certain other enactments; to make provision for reviews at the instigation of a pregnant woman, or a person on her behalf, of certain medical opinions given in respect of pregnancy;”.

—Mick Wallace, Clare Daly, Joan Collins, Louise O'Reilly.

177. In page 5, lines 5 to 9, to delete all words from and including “An” in line 5 down to and including “and,” in line 9 and substitute the following:

“An Act to ensure that pregnant people may have equitable access to abortion care in a safe and timely manner, and at no cost, and”.

—Catherine Murphy.

178. In page 5, line 5, to delete “termination of pregnancy” and substitute “abortion”.

—Brid Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

179. In page 5, line 8, to delete “termination of pregnancy” and substitute “abortion”.

—Brid Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.

180. In page 5, lines 10 and 11, to delete “; to provide for offences in respect of the intentional ending of the life of a foetus otherwise than in accordance with this Act”.

—Brid Smith, Gino Kenny, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Mick Barry.