

SPEAKER MARVEL: The Call is raised.

SENATOR DeCAMP: Everybody has a copy of the amendments. I will go through the major issues. The definition of abortion was probably the single most critical element in Judge Urbom's writings on the subject. The definition we have come up with, I think, and I think both sides feel is probably satisfactory so that you are over the hurdle of what even is abortion so you can get to other things. We say and they are known by the person so administering to be pregnant and perform. One of the problems was the I.U.D. which can cause abortion, morning after pills, so on and so forth. Under this definition you would have to specifically put in an I.U.D. for the specific purpose of creating or causing an abortion and you would have to know the person was pregnant. With the morning after pill, you give the morning after pill on the theory that they might be but there is no absolute certainty, so we think we are over that hurdle. The next change is to define viability which we just argued about. Now in defense of retaining the Roe v. Wade language I would like to and I would hope Senator Chambers, Senator Hoagland and Senator Johnson who are concerned, and legitimately so about this subject would listen. The definition of viability is one thing. The determination of viability is a separate matter. In Senator Chambers' definition he was attempting to do two things. He was attempting to define viability and then he was going on and giving guidelines and instructions and so on to the doctor as to how to determine. We think that it is more accurate to simply use the language defining viability and as the court so properly pointed out in Colautti, we did not undertake in Roe to examine the various factors that may enter into the determination of viability. We simply observed that in the medical and scientific communities a fetus is considered viable if it is quote, and they quote out a Roe, "potentially able to live outside the mother's womb albeit with artificial aid". We added that there must be a potentiality of meaningful life, not merely momentary survival. We have thus left the point flexible for anticipated advancements in medical skill. That is what we are doing here, leaving it open for potential advancements in medical skill. We are not doctors. We don't know what is going to be developed or learned tomorrow. If we get on the firm, solid bedrock of a Supreme Court decision defining viability, we then leave it up in the area of determination, in the area of determination, to the medical standards, to advancements in medicine, to later determinations of the Supreme Court as indicated in Colautti but we are not putting that into the definition. So I think I can legitimately say