

AMENDED IN ASSEMBLY JUNE 22, 2000  
AMENDED IN ASSEMBLY JUNE 20, 2000  
AMENDED IN ASSEMBLY MAY 1, 2000  
AMENDED IN ASSEMBLY JULY 7, 1999  
AMENDED IN SENATE APRIL 28, 1999

**SENATE BILL**

**No. 370**

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**Introduced by Senator Burton**  
(Coauthor: Assembly Member Romero)

February 11, 1999

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An act to *amend Section 2253 of the Business and Professions Code, and to repeal Chapter 3 (commencing with Section 274) of Title 9 of Part 1 of the Penal Code, relating to abortions.*

LEGISLATIVE COUNSEL'S DIGEST

SB 370, as amended, Burton. Abortion.

Existing ~~law makes~~ *provisions of the Penal Code make it a felony, except as provided in the Therapeutic Abortion Act, (1) for a person to commit specified acts with the intent to procure the miscarriage of the woman, (2) for a woman to solicit a person to commit those specified acts with the intent to procure a miscarriage, and (3) for a person who solicits a woman to submit to any of those specified acts with intent to procure a miscarriage. Existing law makes it a crime for a person to practice, or advertise or hold oneself out as practicing, medicine, as specified, when the person at the*

*time of doing so does not have a valid, unrevoked, and unsuspended license to practice as a physician and surgeon or is not otherwise authorized by law.*

~~This bill would repeal these the Penal Code provisions. The bill would also declare the Legislature's intent that the act not affect, nor be construed to affect, the application of criminal statutes, or penalties relating to those statutes, that prohibit the unlawful practice of medicine, or any other criminal offense arising out of the practice of medicine. The bill would also specify that a person is subject to the above penal provisions when he or she performs or assists in performing an abortion and does not hold a valid, unrevoked and unsuspended license to practice as a physician and surgeon, or does not have a certificate obtained in accordance with some other law authorizing him or her to so act.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. *Section 2253 of the Business and*  
2 *Professions Code is amended to read:*

3 2253. (a) *The procuring or aiding, abetting,*  
4 *attempting, agreeing, or offering to procure an illegal*  
5 *abortion constitutes unprofessional conduct, unless the*  
6 *act is done in compliance with the Therapeutic Abortion*  
7 *Act (Article 2 (commencing with Section 123400) of*  
8 *Chapter 2 of Part 2 of Division 106 of the Health and*  
9 *Safety Code).*

10 (b) *A person is subject to Sections 2052 and 2053 if he*  
11 *or she performs or assists in performing a surgical*  
12 *abortion, and at the time of so doing, does not have a valid,*  
13 *unrevoked, and unsuspended license to practice as a*  
14 *physician and surgeon as provided in this chapter, or does*  
15 *not have a certificate obtained in accordance with some*  
16 *other provision of law that authorizes him or her to*  
17 *perform or assist in performing a surgical abortion.*

18 SEC. 2. *Chapter 3 (commencing with Section 274) of*  
19 *Title 9 of Part 1 of the Penal Code is repealed.*



1 ~~SEC. 2. By enacting this bill, the Legislature hereby~~  
2 ~~declares that this act is not intended to affect, nor shall it~~  
3 ~~be construed to affect, the application of criminal~~  
4 ~~statutes, or penalties relating to those statutes, that~~  
5 ~~prohibit the unlawful practice of medicine, or any other~~  
6 ~~criminal offense arising out of the practice of medicine.~~

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