

# POLITICAL NETWORK FOR VALUES

How far can we get?

## Model Legislation

### *Foetal Pain Relief Bill*

#### **Summary:**

*In 2021 in Ireland, the following bill was introduced to amend the current legislation on abortion. A vote finally rejected the proposal, but it is worth highlighting because it could be interesting for replication in other countries.*

*The purpose of this Bill is to ensure that, in cases of later terminations which would cause pain to the unborn children concerned, they are provided with relief from that pain.*

#### **Note:**

*The content of this proposal has been reproduced; the original model is attached at the end of this document. The debate about adopting the proposal may be of particular interest, as it may give clues as to how to introduce the issue and what terms and arguments to use in the future.*

# POLITICAL NETWORK FOR VALUES

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**Be it enacted by the Oireachtas as follows:**

## **Short title and commencement**

1. (1) This Act may be cited as the Health (Regulation of Termination of Pregnancy) (Foetal Pain Relief) Act 2021.  
(2) This Act shall come into operation one month after its passing.

## **Definition**

2. In this Act, “Act of 2018” means the Health (Regulation of Termination of Pregnancy) Act 2018.

## **Insertion of section 12A in Act of 2018**

3. The Act of 2018 is amended by the insertion of the following section after section 12:  
**“Administration of anaesthetic or analgesic to foetus**

**12A** (1) Subject to subsection (2), where—

- (a) there are reasonable grounds for believing that the pregnancy concerned may have reached or exceeded 20 weeks of pregnancy, or
- (b) it is otherwise likely that pain would be caused to the foetus during or arising from the termination of pregnancy concerned if this subsection were not complied with,

the medical practitioner who is to carry out the termination of pregnancy shall administer or cause to be administered to the foetus an appropriate anaesthetic or analgesic so as to prevent or relieve as far as practicable any pain being caused to the foetus during or arising from the termination of pregnancy.

(2) Subsection (1) shall not apply where a medical practitioner proposes to carry out a termination of pregnancy in accordance with section 10 and it is not practicable to comply with the obligation in subsection (1) because of the particular circumstances of the case.

(3) Where—

# POLITICAL NETWORK FOR VALUES

*How far can we get?*

- (a) an anaesthetic or analgesic is administered in accordance with subsection (1), or
- (b) subsection (2) applies, the medical practitioner who carries out the termination of pregnancy shall include that information in the notification forwarded or caused to be forwarded to the Minister under section 20.

(4) For the purposes of this section, ‘20 weeks of pregnancy’ shall be construed in accordance with the medical principle referred to in section 12(5).”.

## **Amendment of section 20 of Act of 2018**

### **4. Section 20(2) of the Act of 2018 is amended—**

- (a) in paragraph (d), by the substitution of “carried out;” for “carried out.”, and
- (b) by the insertion of the following paragraph after paragraph (d):

“(e) where section 12A applies, the information specified in section 12A(3).”.



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**An Bille Sláinte (Foirceannadh Toirchis a Rialáil) (Faoiseamh ó Phian  
d’Fhéatas), 2021**

**Health (Regulation of Termination of Pregnancy) (Foetal Pain Relief) Bill 2021**

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*Mar a tionscnaíodh*

*As initiated*

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**AN BILLE SLÁINTE (FOIRCEANNADH TOIRCHIS A RIALÁIL) (FAOISEAMH Ó  
PHIAN D'FHÉATAS), 2021  
HEALTH (REGULATION OF TERMINATION OF PREGNANCY) (FOETAL PAIN  
RELIEF) BILL 2021**

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*Mar a tionscnaíodh*

*As initiated*

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CONTENTS

Section

1. Short title and commencement
2. Definition
3. Insertion of section 12A in Act of 2018
4. Amendment of section 20 of Act of 2018

ACT REFERRED TO

Health (Regulation of Termination of Pregnancy) Act 2018 (No. 31)



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**AN BILLE SLÁINTE (FOIRCEANNADH TOIRCHIS A RIALÁIL) (FAOISEAMH Ó  
PHIAN D’FHÉATAS), 2021  
HEALTH (REGULATION OF TERMINATION OF PREGNANCY) (FOETAL PAIN  
RELIEF) BILL 2021**

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# Bill

5

*entitled*

An Act to provide for pain relief for the foetus in certain cases of termination of pregnancy; and to provide for related matters.

**Be it enacted by the Oireachtas as follows:**

## **Short title and commencement**

10

1. (1) This Act may be cited as the Health (Regulation of Termination of Pregnancy) (Foetal Pain Relief) Act 2021.
- (2) This Act shall come into operation one month after its passing.

## **Definition**

2. In this Act, “Act of 2018” means the Health (Regulation of Termination of Pregnancy) Act 2018. 15

## **Insertion of section 12A in Act of 2018**

3. The Act of 2018 is amended by the insertion of the following section after section 12:

### **“Administration of anaesthetic or analgesic to foetus**

**12A.** (1) Subject to subsection (2), where— 20

(a) there are reasonable grounds for believing that the pregnancy concerned may have reached or exceeded 20 weeks of pregnancy, or

(b) it is otherwise likely that pain would be caused to the foetus during or arising from the termination of pregnancy concerned if this subsection were not complied with, 25

the medical practitioner who is to carry out the termination of pregnancy shall administer or cause to be administered to the foetus an appropriate anaesthetic or analgesic so as to prevent or relieve as far as practicable any pain being caused to the foetus during or arising from the termination of pregnancy. 30



(2) Subsection (1) shall not apply where a medical practitioner proposes to carry out a termination of pregnancy in accordance with section 10 and it is not practicable to comply with the obligation in subsection (1) because of the particular circumstances of the case.

(3) Where— 5

(a) an anaesthetic or analgesic is administered in accordance with subsection (1), or

(b) subsection (2) applies,

the medical practitioner who carries out the termination of pregnancy shall include that information in the notification forwarded or caused to be forwarded to the Minister under section 20. 10

(4) For the purposes of this section, ‘20 weeks of pregnancy’ shall be construed in accordance with the medical principle referred to in section 12(5).”.

**Amendment of section 20 of Act of 2018** 15

4. Section 20(2) of the Act of 2018 is amended—

(a) in paragraph (d), by the substitution of “carried out;” for “carried out.”, and

(b) by the insertion of the following paragraph after paragraph (d):

“(e) where section 12A applies, the information specified in section 12A(3).”.

 20



An Bille Sláinte (Foirceannadh Toirchis a Rialáil) (Faoiseamh ó Phian d'Fhéatas), 2021

# BILLE

*(mar a tionscnaíodh)*

*dá ngairtear*

Acht do dhéanamh socrú maidir le faoiseamh ó phian a thabhairt don fhéatas i gcásanna áirithe ina ndéantar toircheas a fhoirceannadh; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

*Na Teachtaí Caral Uí Nualláin, Micheál Ó Coileáin, Dónall Ó hÉallaigh, Micheál Ó hÉallaigh, Maitiú Mac Craith, Risteárd Ó Donnchadha, Seán Ó Ceannaigh, Éamon Ó Cuív, Peadar Mac Giolla Phádraig, Nollaig Ó Griallais agus Peadar Tóibín a thug isteach,*

*12 Bealtaine, 2021*

Health (Regulation of Termination of Pregnancy) (Foetal Pain Relief) Bill 2021

# BILL

*(as initiated)*

*entitled*

An Act to provide for pain relief for the foetus in certain cases of termination of pregnancy; and to provide for related matters.

*Introduced by Deputies Carol Nolan, Michael Collins, Danny Healy-Rae, Michael Healy-Rae, Mattie McGrath, Richard O'Donoghue, Seán Canney, Éamon Ó Cuív, Peter Fitzpatrick, Noel Grealish and Peadar Tóibín,*

*12th May, 2021*

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