

gave in too much on this or couldn't you have held out on this or couldn't you have written this. Maybe we could if we tried to railroad the thing through but I think this is the year to sit and take both sides and try to end up on the side of constitutionality and where there is a question at least get it in such a form that a court can make that final determination and have a sound basis for making it. So taking that approach, hopefully we will end up with something that is workable and still constitutional.

SENATOR JOHNSON: Mr. President, members of the Legislature, I would ask the Clerk to read an amendment to Senator Venditte's amendment.

CLERK: Mr. President, Senator Johnson moves: Read Johnson amendment found on page 652, Legislative Journal.

SENATOR JOHNSON: Now, fellow members, I was honest when I told Senator Chambers that I was dealing with this a section at a time. The Venditte amendment is speaking to the kind of precautions that a physician has to take to protect the viable unborn child at the time of the abortion and I basically am accepting the Venditte language, that is, he says that the precautions taken have got to be those in accord with standard medical practice and sound medical judgment. However, I am again making certain that we do provide some subjectivity with respect to the judgment process by adding the words "of the attending physician" and I am also adding language which would say the following that those precautions have to be taken when compatible with preserving the woman from an imminent peril that substantially endangers her life or health. Now the reason for that additional language simply is to address the problem that can arise when a physician is dealing with a woman whose life or health is in jeopardy by virtue of her carrying the unborn child and he perforce to concludes that he has to perform an abortion. The bill as presently written says that he has to take all reasonable precautions to protect the unborn child. Those precautions in some instances might not be compatible with preserving the life or the health of the mother. There are times when a physician literally has to make a choice as to the type of methodology he will use, he or she will use in performing the abortion and what we are stating simply is that the methodology that he employs has got to be that which is basically compatible with preserving the life or health of the mother. Now I haven't made this up out of whole cloth. That is one of the questions which the United States Supreme Court did address in the Colautti case that you