

The Hon. the Acting Speaker: I declare the motion in amendment negatived.

● (1610)

The Hon. the Acting Speaker: It is moved by the Honourable Senator Haidasz P.C., seconded by the Honourable Senator Corbin:

That Clause 1 of Bill C-43 at pages 1 and 2 thereof be amended by striking out section 287 as set out in that clause and substituting therefor the following:

Abortion or induction of miscarriage

287.(1) Every person who by any instrument or by any drug or poison or by any means causes with intent the death of a nascent human being is guilty of an offense commonly called "abortion" and is liable on indictment to imprisonment for a term not exceeding ten years.

Medical introduction to deliver

(2) A procedure to deliver a child prior to term from its mother's womb is not an offence under section 287 when the procedure is performed with every precaution available to medicine to preserve the life of the nascent human being throughout the procedure by or under the direction of a medical practitioner who in good faith has formed the veritable medical opinion that the life of the mother is endangered by a condition of health that is complicated by the condition of pregnancy.

Definitions

(3) For the purposes of this section and for the purposes of this Act,

"medical practitioner" means, in respect of a medical intervention performed in a province, a person who is lawfully permitted to practice obstetrical or gynecological medicine in that province;

"medical opinion" means a medical assessment of the mother's situation which is formed using generally accepted standards of the medical profession and based on verifiable medical evidence;

"deliver a child" means to undertake a procedure to bring forth the nascent human being by surgical or chemical means, abdominally or vaginally, or by severance of the fallopian tube in the event of ectopic pregnancy in accordance with standard medical practice;

"mother" means the female person whose body produced the ovum that generated the nascent human being, or when that female person is not recognized in law, the person who is pregnant with the nascent human being;

"nascent human being" means the living product of a union of a human spermatozoon and a human ovum.

"life" means the state that belongs to one or more products of conception by human beings in such manner as produces, when not interrupted, the living

state of every human being defined at Section 223 of this Act."

"living" means existing in the state of life."

The Hon. the Acting Speaker: Will those honourable senators in favour of the motion in amendment please say "yea"?

Senator Haidasz: Yea.

The Hon. the Acting Speaker: Will those honourable senators who are against the motion in amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Acting Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen.

Motion in amendment negatived on the following division:

YEAS

THE HONOURABLE SENATORS

Graham	Macdonald
Haidasz	(<i>Cape Breton</i>)
	Molgat—4

NAYS

THE HONOURABLE SENATORS

Adams	Forrestall
Atkins	Frith
Austin	Gigantès
Balfour	Grafstein
Barootes	Grimard
Beaudoin	Hastings
Beaulieu	Hébert
Berntson	Johnson
Bolduc	Kelleher
Buchanan	Kenny
Buckwold	Keon
Carney	Kinsella
Castonguay	Kirby
Chaput-Rolland	Lavoie-Roux
Cochrane	LeBlanc
Cogger	(<i>Beauséjour</i>)
Comeau	Lewis
Cools	Lucier
Davey	Lynch-Staunton
David	MacDonald
DeWare	(<i>Halifax</i>)
Di Nino	Marchand
Doody	Marsden
Doyle	Meighen
Everett	Murray
Fairbairn	Neiman