

CAYMAN ISLANDS



TERMINATION OF PREGNANCY BILL, 2024

**A BILL FOR AN ACT TO PROVIDE A FRAMEWORK FOR THE TERMINATION OF
PREGNANCY; AND FOR INCIDENTAL AND CONNECTED PURPOSES.**

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Ministry of Health and Wellness (H&W)



Memorandum of OBJECTS AND REASONS

This Bill provides a framework for the lawful termination of pregnancy.

The Bill is divided into four Parts and contains thirteen clauses.

PART 1 - PRELIMINARY

Clause 1 of the Bill provides for the short title and commencement of the legislation.

Clause 2 defines terms used in the Bill, including definitions of the various categories of health practitioner.

PART 2 – ROLE OF HEALTH PRACTITIONERS

Part 2 provides for the circumstances in which a pregnancy can be terminated, and also provides for the circumstances in which a practitioner may refuse to perform, or assist in the performance of, a termination.

Clause 3 specifies what it means to terminate a pregnancy or assist in the termination of a pregnancy. A termination is performed when a medical practitioner performs a surgical procedure or prescribes, supplies or administers a termination drug intending to induce an abortion.

Clause 4 provides that a termination may be performed on a woman who is not more than 24 weeks pregnant. There is no requirement that any grounds for the termination be established – the termination may be performed on request by the woman.

Clause 5 provides that a termination may be performed on a woman who is more than 24 weeks pregnant in certain circumstances. To perform a termination at this stage, a medical practitioner must be satisfied that:

- (a) the continuation of the pregnancy would involve risk of injury to the physical or mental health of the pregnant woman that is greater than if the pregnancy were terminated; or
- (b) there is a substantial risk that the condition of the foetus is such that the death of the foetus is likely before, during or shortly after birth or, if the child were born, it would suffer from such physical or mental impairment as to be seriously disabled.

Clause 6 provides that a medical practitioner may perform a termination on a woman in an emergency if the medical practitioner considers the termination is immediately necessary to preserve the life of the woman.

Clause 7 provides that a medical practitioner is not required to perform a termination on a woman if the medical practitioner has a conscientious objection. If the practitioner has such an objection, they must refer the woman to another medical practitioner who does not so object.

Clause 8 provides that a nurse is not required to assist in the performance of a termination on a woman if they have a conscientious objection. If the nurse objects, the medical practitioner directing the termination must direct another nurse to assist who does not so object.

Clause 9 provides that a pharmacist is not required to assist in the performance of a termination on a woman if they have a conscientious objection. If the pharmacist objects, they must refer the woman to another pharmacist who does not so object.

Clause 10 provides that a medical practitioner or nurse has a duty to perform, or assist in the performance of, a termination in an emergency where the termination is necessary to preserve the life of the pregnant woman. This duty applies regardless of any conscientious objection to terminations held by the medical practitioner or nurse.

PART 3 – SAFE ACCESS ZONES

Part 3 provides for protections within safe access zones. A safe access zone is the area within 150 metres of premises used for performing terminations.

Clause 11 provides an offence for harassing, hindering, intimidating, interfering with, threatening or obstructing a person within a safe access zone in a way that may deter the person from entering or leaving premises used for performing terminations or performing or receiving a termination at such premises.

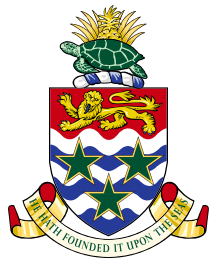
Clause 12 provides an offence for publishing a recording of a person who is in a safe access zone showing the person entering or leaving, or attempting to enter or leave, premises used for performing terminations.

PART 4 - MISCELLANEOUS

Clause 13 provides that the Cabinet may make regulations for the Act.



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TERMINATION OF PREGNANCY BILL, 2024

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TERMINATION OF PREGNANCY BILL, 2024

A BILL FOR AN ACT TO PROVIDE A FRAMEWORK FOR THE TERMINATION OF PREGNANCY; AND FOR INCIDENTAL AND CONNECTED PURPOSES.

ENACTED by the Legislature of the Cayman Islands.

PART 1 – PRELIMINARY

Short title

1. (1) This Act may be cited as the Termination of Pregnancy Act, 2024.
- (2) This Act comes into force on such date as may be appointed by Order made by the Cabinet and different dates may be appointed for different provisions of this Act and in relation to different matters.

Interpretation

2. In this Act —

“**medical practitioner**” means a person registered to practise as a medical doctor under the *Health Practice Act (2021 Revision)*;

“**nurse**” means means a person registered to practise as any of the following under the *Health Practice Act (2021 Revision)* —

- (a) Registered General Nurse;

- (b) Advanced Practice Nurse;
- (c) Registered Midwife;
- (d) Registered Nurse; or
- (e) Public Health Nurse;

“**pharmacist**” means a person registered to practise as a pharmacist under the *Health Practice Act (2021 Revision)*;

“**perform a termination**” has the meaning given in section 3;

“**premises used for performing terminations**” means premises where either or both of the following take place –

- (a) terminations are performed by medical practitioners; or
- (b) nurses or pharmacists assist in the performance of terminations;

“**publish**” means communicate or disseminate information in a way or to an extent that makes it available to, or likely to come to the notice of, the public or a section of the public or anyone else;

“**safe access zone**” means the area —

- (a) within the boundary of premises used for performing terminations; and
- (b) within 150 metres outside that boundary;

“**termination**” means the termination of a woman's pregnancy;

“**termination drug**” means a substance or combination of substances used for terminations; and

“**woman**” means a female person of any age.

PART 2 – ROLE OF HEALTH PRACTITIONERS

Performing a termination

3. (1) A medical practitioner performs a termination if he or she does any of the following intending to induce an abortion —
- (a) performs a surgical procedure; or
 - (b) prescribes, supplies or administers a termination drug.
- (2) A nurse assists in the performance of a termination by supplying or administering, under the direction of a medical practitioner, a termination drug.
- (3) A pharmacist assists in the performance of a termination by supplying, under the direction of a medical practitioner, a termination drug.



Termination of pregnancy up to 24 weeks

4. (1) A medical practitioner may perform a termination on a woman who is not more than 24 weeks pregnant.
- (2) A medical practitioner may direct a nurse or pharmacist to assist in the performance of a termination on a woman who is not more than 24 weeks pregnant.
- (3) A nurse or pharmacist may supply or administer a termination drug —
- (a) if directed to do so by a medical practitioner; and
 - (b) in accordance with that direction.

Termination of pregnancy without gestational limit

5. A medical practitioner may perform a termination on a woman who is more than 24 weeks pregnant if the medical practitioner considers that —
- (a) the continuation of the pregnancy would involve risk of injury to the physical or mental health of the pregnant woman that is greater than if the pregnancy were terminated; or
 - (b) there is a substantial risk that the condition of the foetus is such that —
 - (i) the death of the foetus is likely before, during or shortly after birth; or
 - (ii) if the child were born, it would suffer from such physical or mental impairment as to be seriously disabled.

Termination of pregnancy in emergency

6. A medical practitioner may perform a termination on a woman in an emergency if the medical practitioner considers the termination is immediately necessary to preserve the life of the woman.

Conscientious objection - medical practitioner

7. (1) A medical practitioner is not required to perform a termination on a woman if the medical practitioner has a conscientious objection in relation to terminations.
- (2) However, the medical practitioner must refer the woman, within a clinically reasonable time, to another medical practitioner known by the medical practitioner not to have a conscientious objection in relation to terminations.

Conscientious objection - nurse

8. (1) A nurse is not required to assist in the performance of a termination on a woman if the nurse has a conscientious objection in relation to terminations.

- (2) The medical practitioner directing the performance of the termination must instead direct another nurse, known by the medical practitioner not to have a conscientious objection in relation to terminations, to assist.

Conscientious objection - pharmacist

9. (1) A pharmacist is not required to assist in the performance of a termination on a woman if the pharmacist has a conscientious objection in relation to terminations.
- (2) However, the pharmacist must refer the woman, within a clinically reasonable time, to another pharmacist known by the pharmacist not to have a conscientious objection in relation to terminations.

Duty to perform or assist to save life

10. (1) Despite any conscientious objection in relation to terminations, a medical practitioner has a duty to perform a termination in an emergency where the termination is necessary to preserve the life of a pregnant woman.
- (2) Despite any conscientious objection in relation to terminations, a nurse has a duty to assist a medical practitioner in an emergency where a termination is necessary to preserve the life of a pregnant woman.

PART 3 – SAFE ACCESS ZONES

Prohibited conduct in safe access zones

11. (1) A person commits an offence if the person engages in any of the following conduct in a safe access zone —
 - (a) conduct, such as harassing, hindering, intimidating, interfering with, threatening or obstructing a person, including by recording the person by any means without the person's consent, that may result in deterring the person from —
 - (i) entering or leaving premises used for performing terminations; or
 - (ii) performing or receiving a termination at premises used for performing terminations; or
 - (b) conduct that could be seen or heard by a person in the vicinity of premises used for performing terminations that may result in deterring the person or another person from —
 - (i) entering or leaving the premises; or
 - (ii) performing a termination or receiving a termination at the premises.
- (2) A person who commits an offence under subsection (1) is liable on conviction to a fine of five thousand dollars or imprisonment for 12 months, or both.



Publication of recording

- 12.** (1) A person commits an offence if —
- (a) the person publishes a recording of another person who is in a safe access zone;
 - (b) the recording was made without the other person's consent; and
 - (c) the recording shows the other person entering or leaving, or attempting to enter or leave, premises used for performing terminations.
- (2) A person who commits an offence under subsection (1) is liable on conviction to a fine of five thousand dollars or imprisonment for 12 months, or both.

PART 4 - MISCELLANEOUS

Regulations

- 13.** The Cabinet may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary to be prescribed for giving effect to the purposes of this Act.

Passed by the Parliament the _____ day of _____, 2024.

Speaker

Clerk of the Parliament