

SAMOA
Crimes Ordinance

73. Killing unborn child. (1) Every one is liable to imprisonment for a term not exceeding 14 years who causes the death of any child that has not become a human being in such a manner that he would have been guilty of murder if the child had become a human being.

(2) Every one is liable to imprisonment for a term not exceeding 5 years who causes the death of any child that has not become a human being in such a manner that he would have been guilty of manslaughter if the child had become a human being.

(3) No one is guilty of any crime who before or during the birth of any child causes its death by means employed in good faith for the preservation of the life of the mother.

73A. Procuring abortion. (1) Every one is liable to imprisonment for a term not exceeding 7 years who, with intent to procure the miscarriage of any woman or girl, whether she is with child or not:

- (a) Unlawfully administers to or causes to be taken by her any poison or any drug or any noxious thing; or
- (b) Unlawfully uses on her any instrument; or
- (c) Unlawfully uses on her any other means whatsoever.

(2) The woman or girl shall not be charged as a party to an offence against this section.

73B. Female procuring her own miscarriage. Every woman or girl is liable to imprisonment for a term not exceeding 7 years who with intent to procure miscarriage, whether she is with child or not:

- (a) Unlawfully administers to herself, or permits to be administered to her, any poison or any drug or any noxious thing; or
- (b) Unlawfully uses on herself, or permits to be used on her, any instrument;
or
- (c) Unlawfully uses on herself, or permits to be used on her, any other means whatsoever.

73C. Supplying means of procuring abortion. Every one is liable to imprisonment for a term not exceeding 7 years who unlawfully supplies or procures any poison or any drug or any noxious thing, or any instrument or other thing, whether of a like nature or not, believing that it is intended to be unlawfully used to procure miscarriage.

73D. Effectiveness of means used immaterial. The provisions of sections 73A to 73C of this Act shall apply whether or not the poison, drug, thing, instrument or means administered, taken, used, supplied or procured was in fact capable of procuring miscarriage.