

114TH CONGRESS  
1ST SESSION

# H. R. 3495

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## AN ACT

To amend title XIX of the Social Security Act to allow for greater State flexibility with respect to excluding providers who are involved in abortions.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Women’s Public  
3 Health and Safety Act”.

4 **SEC. 2. INCREASING STATE FLEXIBILITY IN DETERMINING**  
5 **PARTICIPATION OF PROVIDERS WHO PER-**  
6 **FORM, OR PARTICIPATE IN THE PERFORM-**  
7 **ANCE OF, ABORTIONS.**

8 Section 1902 of the Social Security Act (42 U.S.C.  
9 1396a) is amended—

10 (1) in subsection (a)(23), by striking “sub-  
11 section (g)” and inserting “subsection (g), sub-  
12 section (ll),”; and

13 (2) by adding at the end the following new sub-  
14 section:

15 “(ll) RULES WITH RESPECT TO DETERMINATION OF  
16 PARTICIPATION OF PROVIDERS WHO PERFORM, OR PAR-  
17 TICIPATE IN THE PERFORMANCE OF, ABORTIONS.—

18 “(1) IN GENERAL.—Beginning October 1,  
19 2015, subject to paragraph (2), for purposes of this  
20 title, a State, at its option, may establish criteria  
21 with respect to the participation under the State  
22 plan (or under a waiver of the plan) of an institu-  
23 tion, agency, entity, or person who performs, or par-  
24 ticipates in the performance of, abortions.

25 “(2) EXCEPTION.—Paragraph (1) shall not  
26 apply to an abortion—

1           “(A) if the pregnancy is the result of an  
2           act of rape or incest; or

3           “(B) in the case where a woman suffers  
4           from a physical disorder, physical injury, or  
5           physical illness that would, as certified by a  
6           physician, place the woman in danger of death  
7           unless an abortion is performed, including a  
8           life-endangering physical condition caused by or  
9           arising from the pregnancy itself.

10          “(3) DEFINITIONS.—For purposes of this sub-  
11          section, the terms ‘institution’, ‘agency’, or ‘entity’  
12          mean the entire legal institution, agency, or entity,  
13          or any part thereof, including any institution, agen-  
14          cy, or entity that controls, is controlled by, or is  
15          under common control with such institution, agency,  
16          or entity.”.

Passed the House of Representatives September 29,  
2015.

Attest:

*Clerk.*

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