To impose admitting privilege requirements with respect to physicians who perform abortions.

IN THE SENATE OF THE UNITED STATES

JANUARY 7, 2015

Mr. VITTER introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To impose admitting privilege requirements with respect to physicians who perform abortions.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Pregnant Women Health and Safety Act”.

SEC. 2. REQUIREMENT FOR PHYSICIANS RELATING TO THE PERFORMANCE OF ABORTIONS.

Chapter 74 of title 18, United States Code, is amend-
ed by adding at the end the following:
§ 1532. Prohibition on certain procedures

(a) Definition.—As used in this section, the term ‘physician’ means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions.

(b) Offense.—A physician who, in or affecting interstate or foreign commerce, knowingly performs an abortion and, in doing so, fails to comply with subsection (c), shall be fined under this title or imprisoned not more than 2 years, or both.

(c) Requirements.—A physician who performs an abortion shall—

(1) have admitting privileges at a hospital to which the physician can travel in one hour or less (determined on the basis of starting at the principal medical office of the physician and traveling to the hospital) and under the average conditions of travel for the physician; and

(2) at the time of the abortion, notify the patient involved of the hospital location where the patient can receive follow-up care by the physician if complications resulting from the abortion arise.

(d) Applicability.—This section—
“(1) shall not apply to an abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself; and

“(2) shall apply to any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs an abortion.

“(e) LIMITATION.—A woman upon whom a procedure described in subsection (b) is performed may not be prosecuted under this section, for a conspiracy to violate this section, or for an offense under section 2, 3, or 4 of this title based on a violation of this section.”.

SEC. 3. REQUIREMENT OF ABORTION CLINICS.

(a) In General.—Each abortion clinic that receives any Federal funds or assistance shall—

(1) be licensed by the State in which it is located; and

(2) be in compliance with the requirements existing on the date of enactment of this Act for ambulatory surgery centers under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), except
for any requirement relating to a certificate of public
need for State licensing purposes.

(b) WAIVER.—For purposes of complying with sub-
section (a)(2) with respect to an abortion clinic, a State
board of health may waive the application of certain struc-
tural requirements (as determined appropriate by the Sec-
retary of Health and Human Services).

(c) DEFINITION.—In this section, the term “abortion
clinic” means a facility other than a hospital or an ambu-
latory surgery center, in which 25 or more first trimester
abortions are performed during any 12-month period.