

116TH CONGRESS  
2D SESSION

# H. R. 8498

To amend title 18, United States Code, to criminalize any abortion or sterilization procedure performed without the informed consent of the person on whom such procedure is performed, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2020

Mr. SMITH of New Jersey (for himself, Mrs. WALORSKI, and Ms. FOXX of North Carolina) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to criminalize any abortion or sterilization procedure performed without the informed consent of the person on whom such procedure is performed, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Informed Consent  
5 Act”.

1 **SEC. 2. ABORTION AND STERILIZATION.**

2 (a) IN GENERAL.—Chapter 7 of title 18, United  
3 States Code, is amended by adding at the end the fol-  
4 lowing:

5 **“§ 120. Abortion and sterilization without informed**  
6 **consent**

7 “(a) OFFENSE.—Whoever, under the circumstances  
8 described in subsection (b), knowingly performs an abor-  
9 tion or a sterilization procedure on a person without the  
10 informed consent of such person shall be fined under this  
11 title, imprisoned not more than 10 years, or both.

12 “(b) CIRCUMSTANCES DESCRIBED.—For purposes of  
13 subsection (a), the circumstances described in this sub-  
14 section are that—

15 “(1) the defendant is an officer, employee, or  
16 contractor of the Federal Government;

17 “(2) the defendant is a recipient of Federal  
18 funds from the Secretary of Health and Human  
19 Services or a program administered by the Secretary  
20 of Health and Human Services; or

21 “(3) the conduct described in subsection (a) oc-  
22 curred in or affected interstate commerce.

23 “(c) EXCEPTION.—This section does not apply to an  
24 abortion or sterilization procedure that, on the basis of  
25 the physician’s good faith clinical judgment, is necessary  
26 to save the life of an individual whose life is endangered

1 by a physical disorder, physical illness, or physical injury,  
2 including a life-endangering physical condition caused by  
3 or arising from the pregnancy or reproductive organs of  
4 the individual, or for which a delay will create serious risk  
5 of substantial and irreversible impairment of a major bod-  
6 ily function.”.

7 (b) CLERICAL AMENDMENT.—The table of sections  
8 for chapter 7 of title 18, United States Code, is amended  
9 by adding at the end the following:

“120. Abortion and sterilization without informed consent.”.

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