

117TH CONGRESS  
1ST SESSION

# H. R. 5136

To prohibit chemical abortions performed without the presence of a healthcare provider, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 31, 2021

Mr. GOOD of Virginia (for himself, Mr. WEBER of Texas, Mr. ROSENDALE, Mr. BANKS, Mr. BABIN, Mr. GROTHMAN, Mr. JOYCE of Pennsylvania, Mrs. MILLER of Illinois, Mr. MOONEY, Mr. NORMAN, Mr. DUNCAN, Mr. WILLIAMS of Texas, Mr. KELLY of Mississippi, Mr. LAMBORN, Mr. BUDD, Mr. ADERHOLT, Mr. JOHNSON of Louisiana, Mr. C. SCOTT FRANKLIN of Florida, Mr. ROY, Mrs. BOEBERT, Mr. WITTMAN, Mr. LAMALFA, Mr. CLOUD, Mr. HARRIS, Mr. LOUDERMILK, Mr. GOHMERT, Mr. PALAZZO, Mr. HICE of Georgia, Mr. GOSAR, Mr. ELLZEY, Mrs. LESKO, Mr. MOORE of Alabama, Mr. BIGGS, Mr. LATURNER, Mr. ROUZER, Mr. SESSIONS, Mr. BISHOP of North Carolina, Mr. KELLY of Pennsylvania, Mr. RICE of South Carolina, Mr. STEUBE, Ms. LETLOW, Mr. BAIRD, Mr. CARTER of Georgia, and Ms. HERRELL) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To prohibit chemical abortions performed without the presence of a healthcare provider, 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 “Teleabortion Preven-  
5 tion Act of 2021”.

1 **SEC. 2. CHEMICAL ABORTIONS PROHIBITED WITHOUT A**  
2 **HEALTHCARE PROVIDER PRESENT.**

3 (a) CHEMICAL ABORTIONS PROHIBITED WITHOUT A  
4 PHYSICIAN PRESENT.—Chapter 74 of title 18, United  
5 States Code, is amended—

6 (1) in the chapter heading by striking “**PAR-**  
7 **TIAL-BIRTH**”; and

8 (2) by inserting after section 1531 the fol-  
9 lowing:

10 **“§ 1532. Chemical abortions prohibited without a**  
11 **healthcare provider physically present**

12 “(a) OFFENSE.—Any healthcare provider who, in or  
13 affecting interstate or foreign commerce, who knowingly  
14 provides or attempts to provide a chemical abortion—

15 “(1) without physically examining the patient;

16 “(2) without being physically present at the lo-  
17 cation of the chemical abortion; and

18 “(3) without scheduling a follow-up visit for the  
19 patient to occur not more than 14 days after the ad-  
20 ministration or use of the drug to assess the pa-  
21 tient’s physical condition,

22 shall be fined not more than \$1,000 or imprisoned not  
23 more than 2 years, or both. This subsection does not apply  
24 to a chemical abortion that is necessary to save the life  
25 of a mother whose life is endangered by a physical dis-  
26 order, physical illness, or physical injury, including a life-

1 endangering physical condition caused by or arising from  
2 the pregnancy itself.

3 “(b) NO LIABILITY OF THE PATIENT.—A patient  
4 upon whom an abortion is performed may not be pros-  
5 ecuted under this section or for a conspiracy to violate  
6 this section.

7 “(c) DEFINITIONS.—In this section:

8 “(1) ABORTION DRUG.—The term ‘abortion  
9 drug’ means any medicine, drug or any other sub-  
10 stance, or any combination of drugs, medicines or  
11 substances, when it is used—

12 “(A) to intentionally kill the unborn child  
13 of a woman known to be pregnant; or

14 “(B) to intentionally terminate the preg-  
15 nancy of a woman known to be pregnant, with  
16 an intention other than—

17 “(i) to produce a live birth; or

18 “(ii) to remove a dead unborn child.

19 “(2) ATTEMPTS TO PROVIDE.—In this section,  
20 the term ‘attempts to provide’, means conduct that,  
21 under the circumstances as the actor believes them  
22 to be, constitutes a substantial step in a course of  
23 conduct planned to culminate in a chemical abortion.

24 “(3) HEALTHCARE PROVIDER.—The term  
25 ‘healthcare provider’ means any person licensed to

1 prescribe prescription drugs under applicable Fed-  
2 eral and State laws.

3 “(4) PROVIDE.—In this section, the term ‘pro-  
4 vide’, means to dispense or prescribe an abortion  
5 drug, or to otherwise make an abortion drug avail-  
6 able to a patient.

7 “(5) CHEMICAL ABORTION.—The term ‘chem-  
8 ical abortion’ refers to the use of an abortion drug  
9 to—

10 “(A) intentionally kill the unborn child of  
11 a woman known to be pregnant; or

12 “(B) intentionally terminate the pregnancy  
13 of a woman known to be pregnant, with an in-  
14 tention other than—

15 “(i) to produce a live birth; or

16 “(ii) to remove a dead unborn child.

17 “(6) UNBORN CHILD.—The term ‘unborn child’  
18 means an individual organism of the species homo  
19 sapiens, beginning at fertilization, until the point of  
20 being born alive as defined in section 8(b).

21 “(d) RULE OF CONSTRUCTION REGARDING ECTOPIC  
22 PREGNANCY.—Nothing in this section shall be construed  
23 to have any impact on the treatment of a verified ectopic  
24 pregnancy.

1       “(e) SEVERABILITY.—If any provision of this section  
2 or the application of such provision to any person or cir-  
3 cumstance is held to be invalid, the remainder of this sec-  
4 tion and the application of the provisions of the remainder  
5 to any person or circumstance shall not be affected there-  
6 by.”.

7       (b) CLERICAL AMENDMENTS.—

8               (1) CHAPTER 74.—The table of sections for  
9 such chapter is amended by inserting after the item  
10 relating to section 1531 the following:

“1532. Chemical abortions prohibited without a healthcare provider physically  
present.”.

11               (2) PART I.—The table of chapters for part I  
12 of title 18, United States Code, is amended by strik-  
13 ing the item relating to chapter 74, and inserting  
14 the following:

“74. Abortions ..... 1531”.

