

117TH CONGRESS
1ST SESSION

S. 83

To amend title 18, United States Code, to prohibit certain abortion procedures, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2021

Mr. KENNEDY (for himself, Mr. BRAUN, Mr. CRAMER, Mrs. HYDE-SMITH, Mr. INHOFE, Mr. MARSHALL, Mr. ROUNDS, and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit certain abortion procedures, 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 “Pregnant Women
5 Health and Safety Act of 2021”.

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

8 (a) IN GENERAL.—Chapter 74 of title 18, United
9 States Code, is amended—

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

3 (2) by inserting after section 1531 the fol-
4 lowing:

5 **“§ 1532. Prohibition on certain procedures**

6 “(a) DEFINITION.—In this section, the term ‘physi-
7 cian’ means a doctor of medicine or osteopathy legally au-
8 thorized to practice medicine and surgery by the State in
9 which the doctor performs such activity, or any other indi-
10 vidual legally authorized by the State to perform abor-
11 tions.

12 “(b) REQUIREMENTS.—A physician who performs an
13 abortion shall—

14 “(1) have admitting privileges at a hospital lo-
15 cated within 15 miles from the principal medical of-
16 fice of the physician and the location in which the
17 abortion is being performed; and

18 “(2) at the time of the abortion, notify the pa-
19 tient involved of the hospital location where the pa-
20 tient can receive follow-up care by the physician if
21 complications resulting from the abortion arise.

22 “(c) OFFENSE.—It shall be unlawful for a physician,
23 in or affecting interstate or foreign commerce, to know-
24 ingly perform an abortion and, in doing so, fail to comply
25 with subsection (b).

1 “(d) PENALTY.—Any physician who violates sub-
2 section (c) shall be fined under this title, imprisoned not
3 more than 2 years, or both.

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

9 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

“1532. Prohibition on certain procedures.”.

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

“74. Abortions 1531”.

17 **SEC. 3. REQUIREMENT OF ABORTION CLINICS.**

18 (a) IN GENERAL.—Subject to subsection (b), as a
19 condition for receiving any Federal funds or assistance,
20 an abortion clinic shall—

21 (1) be licensed by the State in which it is lo-
22 cated; and

23 (2) be in compliance with the requirements for
24 ambulatory surgery centers under title XVIII of the

1 Social Security Act (42 U.S.C. 1395 et seq.), except
2 for any requirement relating to a certificate of public
3 need for State licensing purposes.

4 (b) WAIVER.—For purposes of complying with sub-
5 section (a)(2) with respect to an abortion clinic, a State
6 board of health may waive the application of certain struc-
7 tural requirements (as the Secretary of Health and
8 Human Services determines appropriate).

9 (c) DEFINITION.—In this section, the term “abortion
10 clinic” means a facility, other than a hospital or ambula-
11 tory surgery center, in which first, second, or third tri-
12 mester abortions are performed during any 12-month pe-
13 riod.

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