AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in abortion, further providing for
3 legislative intent, providing for fetal heartbeat
4 examination, further providing for medical consultation and
5 judgment, for abortion on unborn child of 24 or more weeks
6 gestational age and for reporting.
7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:
9 Section 1. Section 3202(b) of Title 18 of the Pennsylvania
10 Consolidated Statutes is amended by adding a paragraph to read:
11 § 3202. Legislative intent.
12 * * *.
13 (b) Conclusions.--Reliable and convincing evidence has
14 compelled the General Assembly to conclude and the General
15 Assembly does hereby solemnly declare and find that:
16 * * *.
17 (6) The following:
18 (i) Fetal heartbeat has become a key medical
19 predictor that an unborn individual will reach live
20 birth.
(ii) Cardiac activity begins at a biologically identifiable moment in time, normally when the fetal heart is formed in the gestational sac.

(iii) In order to make an informed choice about whether to continue the pregnancy, a pregnant woman has a legitimate interest in knowing the likelihood of the fetus surviving to full-term birth based upon the presence of cardiac activity.

* * *

Section 2. Title 18 is amended by adding a section to read:

§ 3203.1. Fetal heartbeat examination.

Before performing an abortion, a physician shall conduct a physical examination of the pregnant woman and her unborn child to determine if there is a fetal heartbeat present. The physician shall utilize the physician's best clinical judgment to determine whether or not a fetal heartbeat is present.

Section 3. Sections 3204(a), 3211 heading, (a) and (b)(2) and 3214(a)(1) of Title 18 are amended to read:

§ 3204. Medical consultation and judgment.

(a) Abortion prohibited; exceptions.--No abortion shall be performed after a fetal heartbeat is detected. If there is no fetal heartbeat, no abortion shall be performed except by a physician after either:

(1) he determines that, in his best clinical judgment, the abortion is necessary; or

(2) he receives what he reasonably believes to be a written statement signed by another physician, hereinafter called the "referring physician," certifying that in this referring physician's best clinical judgment the abortion is necessary.
§ 3211. Abortion on unborn child [of 24 or more weeks
  gestational age] after fetal heartbeat is detected.
  
(a) Prohibition.--Except as provided in subsection (b), no
  person shall perform or induce an abortion upon another person
  when the [gestational age of the unborn child is 24 or more
  weeks] unborn child has a detectable fetal heartbeat.

(b) Exceptions.--
  
  * * *

  (2) It shall not be a violation of subsection (a) if the
  abortion is performed by a physician and that physician
  reasonably believes, after [making a determination of the
  gestational age of the unborn child] examining the pregnant
  woman in compliance with section 3210 (relating to
determination of gestational age), that the unborn child [is
  less than 24 weeks gestational age] does not have a fetal
  heartbeat.

  * * *

§ 3214. Reporting.

(a) General rule.--For the purpose of promotion of maternal
  health and life by adding to the sum of medical and public
  health knowledge through the compilation of relevant data, and
to promote the Commonwealth's interest in protection of the
unborn child, a report of each abortion performed shall be made
to the department on forms prescribed by it. The report forms
shall not identify the individual patient by name and shall
include the following information:

  (1) Identification of the physician who performed the
  abortion, the concurring physician as required by section
  3211(c)(2) (relating to abortion on unborn child [of 24 or
more weeks gestational age] after fetal heartbeat is detected), the second physician as required by section 3211(c)(5) and the facility where the abortion was performed and of the referring physician, agency or service, if any.

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Section 4. This act shall take effect in 60 days.