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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2628 Session of  
2022

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INTRODUCED BY SHUSTERMAN, KRAJEWSKI, SCHLOSSBERG, MADDEN,  
FRANKEL, HOHENSTEIN, KINKEAD, SANCHEZ, GUENST, SIMS, CEPHAS,  
FITZGERALD, HANBIDGE, RABB, STURLA, ISAACSON, KINSEY,  
COVINGTON, O'MARA, DALEY AND VITALI, MAY 27, 2022

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REFERRED TO COMMITTEE ON HEALTH, MAY 27, 2022

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in abortion, further providing for  
3 publicly owned facilities, public officials and public funds.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Section 3215(a)(2) and (3), (c), (i) and (j) of  
7 Title 18 of the Pennsylvania Consolidated Statutes are amended  
8 to read:

9 § 3215. Publicly owned facilities; public officials and public  
10 funds.

11 (a) Limitations.--No hospital, clinic or other health  
12 facility owned or operated by the Commonwealth, a county, a city  
13 or other governmental entity (except the government of the  
14 United States, another state or a foreign nation) shall:

15 \* \* \*

16 [(2) Lease or sell or permit the subleasing of its  
17 facilities or property to any physician or health facility

1 for use in the provision, inducement or performance of  
2 abortion, except abortion necessary to avert the death of the  
3 woman or to terminate pregnancies initiated by acts of rape  
4 or incest if reported in accordance with requirements set  
5 forth in subsection (c).

6 (3) Enter into any contract with any physician or health  
7 facility under the terms of which such physician or health  
8 facility agrees to provide, induce or perform abortions,  
9 except abortion necessary to avert the death of the woman or  
10 to terminate pregnancies initiated by acts of rape or incest  
11 if reported in accordance with requirements set forth in  
12 subsection (c).]

13 \* \* \*

14 [(c) Public funds.--No Commonwealth funds and no Federal  
15 funds which are appropriated by the Commonwealth shall be  
16 expended by any State or local government agency for the  
17 performance of abortion, except:

18 (1) When abortion is necessary to avert the death of the  
19 mother on certification by a physician. When such physician  
20 will perform the abortion or has a pecuniary or proprietary  
21 interest in the abortion there shall be a separate  
22 certification from a physician who has no such interest.

23 (2) When abortion is performed in the case of pregnancy  
24 caused by rape which, prior to the performance of the  
25 abortion, has been reported, together with the identity of  
26 the offender, if known, to a law enforcement agency having  
27 the requisite jurisdiction and has been personally reported  
28 by the victim.

29 (3) When abortion is performed in the case of pregnancy  
30 caused by incest which, prior to the performance of the

1 abortion, has been personally reported by the victim to a law  
2 enforcement agency having the requisite jurisdiction, or, in  
3 the case of a minor, to the county child protective service  
4 agency and the other party to the incestuous act has been  
5 named in such report.]

6 \* \* \*

7 [(i) Public funds for legal services.--No Federal or State  
8 funds which are appropriated by the Commonwealth for the  
9 provision of legal services by private agencies, and no public  
10 funds generated by collection of interest on lawyer's trust  
11 accounts, as authorized by statute previously or subsequently  
12 enacted, may be used, directly or indirectly, to:

13 (1) Advocate the freedom to choose abortion or the  
14 prohibition of abortion.

15 (2) Provide legal assistance with respect to any  
16 proceeding or litigation which seeks to procure or prevent  
17 any abortion or to procure or prevent public funding for any  
18 abortion.

19 (3) Provide legal assistance with respect to any  
20 proceeding or litigation which seeks to compel or prevent the  
21 performance or assistance in the performance of any abortion,  
22 or the provision of facilities for the performance of any  
23 abortion.

24 Nothing in this subsection shall be construed to require or  
25 prevent the expenditure of funds pursuant to a court order  
26 awarding fees for attorney's services under the Civil Rights  
27 Attorney's Fees Awards Act of 1976 (Public law 94-559, 90 Stat.  
28 2641), nor shall this subsection be construed to prevent the use  
29 of public funds to provide court appointed counsel in any  
30 proceeding authorized under section 3206 (relating to parental

1 consent).

2 (j) Required statements.--No Commonwealth agency shall make  
3 any payment from Federal or State funds appropriated by the  
4 Commonwealth for the performance of any abortion pursuant to  
5 subsection (c)(2) or (3) unless the Commonwealth agency first:

6 (1) receives from the physician or facility seeking  
7 payment a statement signed by the physician performing the  
8 abortion stating that, prior to performing the abortion, he  
9 obtained a non-notarized, signed statement from the pregnant  
10 woman stating that she was a victim of rape or incest, as the  
11 case may be, and that she reported the crime, including the  
12 identity of the offender, if known, to a law enforcement  
13 agency having the requisite jurisdiction or, in the case of  
14 incest where a pregnant minor is the victim, to the county  
15 child protective service agency and stating the name of the  
16 law enforcement agency or child protective service agency to  
17 which the report was made and the date such report was made;

18 (2) receives from the physician or facility seeking  
19 payment, the signed statement of the pregnant woman which is  
20 described in paragraph (1). The statement shall bear the  
21 notice that any false statements made therein are punishable  
22 by law and shall state that the pregnant woman is aware that  
23 false reports to law enforcement authorities are punishable  
24 by law; and

25 (3) verifies with the law enforcement agency or child  
26 protective service agency named in the statement of the  
27 pregnant woman whether a report of rape or incest was filed  
28 with the agency in accordance with the statement.

29 The Commonwealth agency shall report any evidence of false  
30 statements, of false reports to law enforcement authorities or

1 of fraud in the procurement or attempted procurement of any  
2 payment from Federal or State funds appropriated by the  
3 Commonwealth pursuant to this section to the district attorney  
4 of appropriate jurisdiction and, where appropriate, to the  
5 Attorney General.]

6 Section 2. This act shall take effect in 60 days.