
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 378 Session of
2021

INTRODUCED BY MASTRIANO, J. WARD, DUSH, DiSANTO, HUTCHINSON,
PITTMAN AND STEFANO, MARCH 10, 2021

REFERRED TO HEALTH AND HUMAN SERVICES, MARCH 10, 2021

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.

1 (ii) Cardiac activity begins at a biologically
2 identifiable moment in time, normally when the fetal
3 heart is formed in the gestational sac.

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

9 * * *

10 Section 2. Title 18 is amended by adding a section to read:
11 § 3203.1. Fetal heartbeat examination.

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

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

19 § 3204. Medical consultation and judgment.

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

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

26 (2) he receives what he reasonably believes to be a
27 written statement signed by another physician, hereinafter
28 called the "referring physician," certifying that in this
29 referring physician's best clinical judgment the abortion is
30 necessary.

1 * * *

2 § 3211. Abortion on unborn child [of 24 or more weeks
3 gestational age] after fetal heartbeat is detected.

4 (a) Prohibition.--Except as provided in subsection (b), no
5 person shall perform or induce an abortion upon another person
6 when the [gestational age of the unborn child is 24 or more
7 weeks] unborn child has a detectable fetal heartbeat.

8 (b) Exceptions.--

9 * * *

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

18 * * *

19 § 3214. Reporting.

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

28 (1) Identification of the physician who performed the
29 abortion, the concurring physician as required by section
30 3211(c)(2) (relating to abortion on unborn child [of 24 or

1 more weeks gestational age] after fetal heartbeat is
2 detected), the second physician as required by section
3 3211(c)(5) and the facility where the abortion was performed
4 and of the referring physician, agency or service, if any.

5 * * *

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