INTRODUCED BY BOROWICZ, STRUZZI, SCHMITT, HAMM, COOK, KNOWLES, FEE, METCALFE, GREINER, OWLETT, ROTHMAN, TOPPER, JONES, SMITH, HICKERNELL, KAUFFMAN, DIAMOND, BERNSTINE, DUNBAR, PICKETT, MOUL, B. MILLER, RAPP, GLEIM, RYAN, ROWE, COX, ZIMMERMAN, MALONEY, KEEFER, MERCURI, WHEELAND, GILLEN AND HERSHEY, MARCH 15, 2021

REFERRED TO COMMITTEE ON HEALTH, MARCH 15, 2021

AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in abortion, further providing for legislative intent, providing for fetal heartbeat examination, further providing for medical consultation and judgment, for abortion on unborn child of 24 or more weeks gestational age and for reporting.

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

Section 1. Section 3202(b) of Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a paragraph to read:

§ 3202. Legislative intent.

* * *

(b) Conclusions.--Reliable and convincing evidence has compelled the General Assembly to conclude and the General Assembly does hereby solemnly declare and find that:

* * *

(6) The following:

(i) Fetal heartbeat has become a key medical
predictor that an unborn individual will reach live
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.