AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in abortion, further providing for definitions, for medical consultation and judgment and for reporting.

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

Section 1. Section 3203 of Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a definition to read:

§ 3203. Definitions.

The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Down syndrome." A chromosome disorder associated with an extra chromosome 21, in whole or in part, or an effective
trisomy for chromosome 21.

Section 2. Section 3204(c) and (d) of Title 18 are amended to read:

§ 3204. Medical consultation and judgment.

(c) Factors.--

(1) In determining in accordance with subsection (a) or (b) whether an abortion is necessary, a physician's best clinical judgment may be exercised in the light of all factors (physical, emotional, psychological, familial and the woman's age) relevant to the well-being of the woman. [No abortion which]

(2) An abortion shall not be deemed a necessary abortion if any of the following apply:

(i) The abortion is sought [solely] because of the sex of the unborn child [shall be deemed a necessary abortion].

(ii) The abortion is sought because the unborn child receives a prenatal diagnosis of Down syndrome.

(d) Penalty.--[Any]

(1) Except as provided under paragraph (2), a person who intentionally, knowingly or recklessly violates the provisions of this section commits a felony of the third degree, and any physician who violates the provisions of this section is guilty of "unprofessional conduct" and his license for the practice of medicine and surgery shall be [subject to suspension or revocation] revoked in accordance with procedures provided under the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act of 1978.
Act, the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, or their successor acts.

(2) A woman upon whom an abortion is performed or induced or attempted to be performed in violation of the provisions of this section shall not be guilty of any of the following:

(i) Violating the provisions of this section.

(ii) Attempting to commit, conspiring to commit or being complicit in committing a violation of the provisions of this section.

Section 3. Section 3214(a) of Title 18 is amended by adding a paragraph to read:

§ 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:

* * *

(7.1) Written acknowledgment by the physician who performed the abortion that the woman is not seeking the abortion, in whole or in part, because of any of the following:

(i) The sex of the unborn child.

(ii) A test result indicating Down syndrome in the unborn child.

(iii) A prenatal diagnosis of Down syndrome in the
unborn child.

(iv) An indication that the unborn child has Down syndrome.

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