
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1058 Session of
2019

INTRODUCED BY RAPP, CUTLER, KLUNK, PICKETT, ZIMMERMAN,
BERNSTINE, SAYLOR, KAUFFMAN, REESE, TOPPER, JOZWIAK, GROVE,
NEILSON, MURT AND ECKER, APRIL 5, 2019

REFERRED TO COMMITTEE ON HEALTH, APRIL 5, 2019

AN ACT

1 Requiring that information on the option of perinatal hospice
2 care be given to a woman after diagnosis of a life limiting
3 condition; and imposing penalties.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Perinatal
8 Hospice Information Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Abortion." The use of any means to terminate the clinically
14 diagnosable pregnancy of a woman with knowledge that the
15 termination will, with reasonable likelihood, cause the death of
16 the unborn child. The term does not include procedures with the
17 intent to:

18 (1) save the life or preserve the health of an unborn

1 child even if the unborn child does not survive;

2 (2) remove a dead unborn child caused by spontaneous
3 abortion; or

4 (3) remove an ectopic pregnancy.

5 "Department." The Department of Health of the Commonwealth.

6 "Life limiting condition." A fetal condition diagnosed
7 before birth that will with reasonable certainty result in the
8 death of the unborn child within three months after birth.

9 "Medical emergency." A condition which, on the basis of the
10 physician's good faith clinical judgment, complicates the
11 medical condition of a pregnant woman and necessitates the
12 immediate termination of her pregnancy to avert her death or
13 serious risk of substantial and irreversible impairment of a
14 major bodily function.

15 "Perinatal hospice." Comprehensive support to the pregnant
16 woman and her family that includes support from the time of
17 diagnosis through the time of birth and death of the infant and
18 through the postpartum period. Supportive care may include, but
19 is not limited to, counseling and medical care by maternal-fetal
20 medical specialists, obstetricians, neonatologists, anesthesia
21 specialists, clergy, social workers and specialty nurses focused
22 on alleviating fear and ensuring that the woman and her family
23 experience the life and death of their child in a comfortable
24 and supportive environment.

25 "Physician." Any person licensed to practice medicine in
26 this Commonwealth. The term includes medical doctors and doctors
27 of osteopathy.

28 Section 3. Requirements.

29 (a) Information.--In the case of a pregnant woman who is
30 diagnosed as carrying an unborn child with a life limiting

1 condition, the physician who diagnosed the woman shall provide
2 her, orally and in person, with information on perinatal
3 hospice, which shall include a list of perinatal hospice
4 programs available in this Commonwealth prepared by the
5 department under section 4.

6 (b) Waiting period.--After receiving the information, the
7 woman shall wait at least 24 hours before discussing her options
8 with the physician, including, but not limited to, perinatal
9 hospice. This waiting period shall run concurrent with the
10 waiting period under 18 Pa.C.S. § 3205 (relating to informed
11 consent).

12 (c) Abortion not prohibited.--Nothing in this section shall
13 be construed as a prohibition on an abortion performed due to a
14 medical emergency.

15 Section 4. Department duties.

16 The department shall:

17 (1) Publish, in a timely manner, a list of perinatal
18 hospice programs available.

19 (2) Administer this act and promulgate regulations to
20 implement this act.

21 Section 5. Penalties.

22 (a) Violation.--A physician who violates this act is guilty
23 of unprofessional conduct and the physician's license for the
24 practice of medicine shall be subject to suspension or
25 revocation in accordance with procedures provided under the act
26 of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic
27 Medical Practice Act, or the act of December 20, 1985 (P.L.457,
28 No.112), known as the Medical Practice Act of 1985.

29 (b) Reasonable belief.--It is a defense to a violation for
30 failure to furnish the information required under section 3(a)

1 if the physician can demonstrate, by a preponderance of the
2 evidence, that the physician reasonably believed that furnishing
3 the information would have a severely adverse effect on the
4 physical or mental health of the patient.

5 Section 6. Effective date.

6 This act shall take effect in 60 days.