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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2915 Session of  
2022

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INTRODUCED BY KINKEAD, HANBIDGE, HILL-EVANS, FIEDLER, FRANKEL,  
OTTEN, RABB, CEPHAS, KINSEY, HOHENSTEIN, T. DAVIS, FREEMAN,  
SANCHEZ, MADDEN, SCHLOSSBERG, PARKER, A. DAVIS, D. WILLIAMS,  
DELLOSO, GUENST, WELBY, ISAACSON, COVINGTON, INNAMORATO,  
ABNEY AND SHUSTERMAN, NOVEMBER 2, 2022

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REFERRED TO COMMITTEE ON HEALTH, NOVEMBER 2, 2022

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AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, in abortion, further providing for State Board of  
4 Medicine and State Board of Osteopathic Medicine; in bases of  
5 jurisdiction and interstate and international procedure,  
6 providing for interstate interference with reproductive  
7 health services; in depositions and witnesses, further  
8 providing for subpoenas and for summoning witness in this  
9 Commonwealth to testify in another state; and, in detainers  
10 and extradition, further providing for extradition of persons  
11 not present in demanding state at time of commission of  
12 crime.

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

15 Section 1. Section 3219 of Title 18 of the Pennsylvania  
16 Consolidated Statutes is amended by adding a subsection to read:

17 § 3219. State Board of Medicine; State Board of Osteopathic  
18 Medicine.

19 \* \* \*

20 (d) Reproductive health services.--

21 (1) The performance, assistance in performance,

1 recommendation or provision of reproductive health services  
2 by a licensee acting within the licensee's scope of practice  
3 under the Osteopathic Medical Practice Act or the Medical  
4 Practice Act of 1985 for a patient who resides in a  
5 jurisdiction outside of this Commonwealth where the  
6 performance, assistance in performance, recommendation or  
7 provision of the reproductive health services is illegal  
8 shall not, by itself, be considered any of the following:

9 (i) A violation of the Osteopathic Medical Practice  
10 Act or the Medical Practice Act of 1985 or  
11 "unprofessional conduct" under the provisions of this  
12 chapter.

13 (ii) Grounds for refusal, suspension or revocation  
14 of a license under the Osteopathic Medical Practice Act  
15 or the Medical Practice Act of 1985.

16 (iii) Grounds for any other penalty regarding a  
17 license under the Osteopathic Medical Practice Act or the  
18 Medical Practice Act of 1985.

19 (iv) Grounds for a disciplinary action of the  
20 licensee under the Osteopathic Medical Practice Act or  
21 the Medical Practice Act of 1985 or any other State law,  
22 regulation or rule governing the licensure, certification  
23 or authorization of the licensee.

24 (2) Nothing in paragraph (1) shall be construed to  
25 expand the scope of practice of a licensee under the  
26 Osteopathic Medical Practice Act or the Medical Practice Act  
27 of 1985 or authorize the licensee to act outside of the  
28 licensee's scope of practice under the Osteopathic Medical  
29 Practice Act or the Medical Practice Act of 1985.

30 (3) An applicant seeking licensure, certification or

1 authorization under the Osteopathic Medical Practice Act or  
2 the Medical Practice Act of 1985 who has been subject to a  
3 disciplinary action by a duly authorized professional  
4 disciplinary agency of a jurisdiction outside of this  
5 Commonwealth solely on the basis of having performed,  
6 assisted in performing, recommended or provided reproductive  
7 health services shall not be denied the licensure,  
8 certification or authorization unless the board determines  
9 that the action would have constituted a violation of the  
10 Osteopathic Medical Practice Act or the Medical Practice Act  
11 of 1985 in this Commonwealth.

12 (4) Nothing in paragraph (3) shall be construed as  
13 prohibiting the board from evaluating the conduct of the  
14 applicant and making a determination regarding whether the  
15 applicant is qualified to be licensed, certified or  
16 authorized under the Osteopathic Medical Practice Act or the  
17 Medical Practice Act of 1985.

18 (5) As used in this subsection, the following words and  
19 phrases shall have the meanings given to them in this  
20 paragraph:

21 "Reproductive health services." Any of the following:

22 (i) Abortion as defined in section 3203 (relating to  
23 definitions).

24 (ii) Emergency contraception, including one or more  
25 prescription drugs used separately or in combination to  
26 be administered or self-administered by a patient to  
27 prevent pregnancy within a medically recommended amount  
28 of time after sexual intercourse and dispensed for that  
29 purpose in accordance with professional standards of  
30 practice and determined by the United States Food and

1 Drug Administration to be safe.

2 (iii) Medical, surgical, counseling or referral  
3 services relating to the human reproductive system,  
4 including services relating to pregnancy, the prevention  
5 of pregnancy or the termination of a pregnancy.

6 Section 2. Chapter 53 of Title 42 is amended by adding a  
7 subchapter to read:

8 SUBCHAPTER D

9 INTERSTATE INTERFERENCE WITH  
10 REPRODUCTIVE HEALTH SERVICES

11 Sec.

12 5371. Definitions.

13 5372. Civil remedies.

14 § 5371. Definitions.

15 The following words and phrases when used in this subchapter  
16 shall have the meanings given to them in this section unless the  
17 context clearly indicates otherwise:

18 "Person." Any individual, partnership, association, limited  
19 liability company or corporation.

20 "Reproductive health services." Any of the following:

21 (1) Abortion as defined in 18 Pa.C.S. § 3203 (relating  
22 to definitions).

23 (2) Emergency contraception, including one or more  
24 prescription drugs used separately or in combination to be  
25 administered or self-administered by a patient to prevent  
26 pregnancy within a medically recommended amount of time after  
27 sexual intercourse and dispensed for that purpose in  
28 accordance with professional standards of practice and  
29 determined by the United States Food and Drug Administration  
30 to be safe.

1           (3) Medical, surgical, counseling or referral services  
2           relating to the human reproductive system, including services  
3           relating to pregnancy, the prevention of pregnancy or the  
4           termination of a pregnancy.

5   § 5372. Civil remedies.

6           (a) Remedies.--Upon a judgment entered against a person by a  
7           court in a state or territory outside of this Commonwealth where  
8           liability, in whole or in part, is based on the alleged  
9           provision, receipt, assistance in receipt or provision or  
10           material support for reproductive health services that are  
11           permitted under the laws of this Commonwealth, including a  
12           judgment based on a theory of vicarious, joint, several or  
13           conspiracy liability, the person may bring a civil action to  
14           recover damages from a party that brought the civil action  
15           resulting in the judgment or a party that has sought to enforce  
16           the judgment. Damages recoverable under this subsection shall  
17           include all of the following:

18           (1) Just damages created by the civil action that led to  
19           that judgment, including money damages equal to the amount of  
20           the judgment in the state or territory outside of this  
21           Commonwealth and the costs, expenses and reasonable attorney  
22           fees spent in defending the civil action that resulted in the  
23           entry of the judgment in the state or territory outside of  
24           this Commonwealth.

25           (2) Costs, expenses and reasonable attorney fees  
26           incurred in bringing a civil action under this subsection as  
27           authorized by the court.

28           (b) Applicability.--The provisions of this section shall not  
29           apply to a judgment entered by a court in a state or territory  
30           outside of this Commonwealth that is based on any of the

1 following:

2 (1) A civil action founded in tort, contract or statute  
3 for a similar claim that would exist under the laws of this  
4 Commonwealth, which was brought by a patient who received  
5 reproductive health care services or the patient's authorized  
6 legal representative, for damages suffered by the patient or  
7 damages derived from an individual's loss of consortium of  
8 the patient.

9 (2) A civil action founded in contract for a similar  
10 claim that would exist under the laws of this Commonwealth,  
11 which was brought or sought to be enforced by a party with a  
12 contractual relationship with the person that is the subject  
13 of a judgment entered into by the court.

14 (3) A civil action for which no part of the acts that  
15 formed the basis for liability occurred in this Commonwealth.

16 Section 3. Sections 5905, 5963(b) and 9127 of Title 42 are  
17 amended to read:

18 § 5905. Subpoenas.

19 (a) Authorization.--Every court of record shall have power  
20 in any civil or criminal matter to issue subpoenas to testify,  
21 with or without a clause of duces tecum, into any county of this  
22 Commonwealth to witnesses to appear before the court or any  
23 appointive judicial officer. Subpoenas shall be in the form  
24 prescribed by general rules.

25 (b) Reproductive health services.--

26 (1) Notwithstanding any other provision of law or  
27 regulation, a court authorized to issue a subpoena under  
28 subsection (a) may not issue a subpoena requested by a  
29 commissioner appointed according to the laws or usages of a  
30 state or territory outside of this Commonwealth or any other

1 court of the United States when the subpoena relates to  
2 reproductive health services that are permitted under the  
3 laws of this Commonwealth, unless the subpoena relates to any  
4 of the following:

5 (i) An out-of-State civil action founded in tort,  
6 contract or statute for a similar claim that would exist  
7 under the laws of this Commonwealth, which was brought by  
8 a patient or the patient's authorized legal  
9 representative, for damages suffered by the patient or  
10 damages derived from an individual's loss of consortium  
11 of the patient.

12 (ii) An out-of-State civil action founded in  
13 contract for a similar claim that would exist under the  
14 laws of this Commonwealth, which was brought or sought to  
15 be enforced by a party with a contractual relationship  
16 with the person that is the subject of the subpoena.

17 (2) As used in this subsection, the term "reproductive  
18 health services" means any of the following:

19 (i) Abortion as defined in 18 Pa.C.S. § 3203  
20 (relating to definitions).

21 (ii) Emergency contraception, including one or more  
22 prescription drugs used separately or in combination to  
23 be administered or self-administered by a patient to  
24 prevent pregnancy within a medically recommended amount  
25 of time after sexual intercourse and dispensed for that  
26 purpose in accordance with professional standards of  
27 practice and determined by the United States Food and  
28 Drug Administration to be safe.

29 (iii) Medical, surgical, counseling or referral  
30 services relating to the human reproductive system,

1 including services relating to pregnancy, the prevention  
2 of pregnancy or the termination of a pregnancy.

3 § 5963. Summoning witness in this Commonwealth to testify in  
4 another state.

5 \* \* \*

6 (b) Hearing.--[If]

7 (1) Except as provided under paragraph (2), if at a  
8 hearing the judge determines that the witness is material and  
9 necessary, that it will not cause undue hardship to the  
10 witness to be compelled to attend and testify in the  
11 prosecution or a grand jury investigation in the other state  
12 and that the laws of the state in which the prosecution is  
13 pending or grand jury investigation has commenced or is about  
14 to commence and of any other state through which the witness  
15 may be required to pass by ordinary course of travel will  
16 give to him protection from arrest and the service of civil  
17 and criminal process, he shall issue a summons with a copy of  
18 the certificate attached directing the witness to attend and  
19 testify in the court where the prosecution is pending or  
20 where a grand jury investigation has commenced or is about to  
21 commence, at a time and place specified in the summons. In  
22 any such hearing the certificate shall be prima facie  
23 evidence of all the facts stated therein.

24 (2) A judge may not issue a summons for a witness under  
25 paragraph (1) in a case in which a prosecution is pending or  
26 a grand jury investigation has commenced or is about to  
27 commence for a criminal offense in the other state involving  
28 the provision or receipt of or assistance with reproductive  
29 health services that are legal in this Commonwealth, unless  
30 the acts forming the basis of the prosecution or grand jury



1 investigation would also constitute an offense in this  
2 Commonwealth.

3 (3) As used in this subsection, the term "reproductive  
4 health services" means any of the following:

5 (i) Abortion as defined in 18 Pa.C.S. § 3203  
6 (relating to definitions).

7 (ii) Emergency contraception, including one or more  
8 prescription drugs used separately or in combination to  
9 be administered or self-administered by a patient to  
10 prevent pregnancy within a medically recommended amount  
11 of time after sexual intercourse and dispensed for that  
12 purpose in accordance with professional standards of  
13 practice and determined by the United States Food and  
14 Drug Administration to be safe.

15 (iii) Medical, surgical, counseling or referral  
16 services relating to the human reproductive system,  
17 including services relating to pregnancy, the prevention  
18 of pregnancy or the termination of a pregnancy.

19 \* \* \*

20 § 9127. Extradition of persons not present in demanding state  
21 at time of commission of crime.

22 The Governor of this Commonwealth may also surrender on  
23 demand of the executive authority of any other state any person  
24 in this Commonwealth charged in such other state in the manner  
25 provided in section 9124 (relating to form of demand) with  
26 committing an act in this Commonwealth or in a third state  
27 intentionally resulting in a crime in the state whose executive  
28 authority is making the demand, and the provisions of this  
29 subchapter not otherwise inconsistent shall apply to such cases  
30 even though the accused was not in that state at the time of the

1 commission of the crime and has not fled therefrom. The Governor  
2 of this Commonwealth may not surrender a person in this  
3 Commonwealth under this section if the act for which extradition  
4 is sought relates to reproductive health services legally  
5 performed in this Commonwealth or if the consequences claimed to  
6 have resulted from the act relating to reproductive health  
7 services in the demanding state or third state took effect in  
8 this Commonwealth.

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