

116TH CONGRESS
2D SESSION

S. _____

To amend title 18, United States Code, to prohibit certain abortion procedures, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. KENNEDY introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title 18, United States Code, to prohibit certain abortion procedures, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Pregnant Women
5 Health and Safety Act of 2020”.

6 **SEC. 2. REQUIREMENT FOR PHYSICIANS RELATING TO THE**
7 **PERFORMANCE OF ABORTIONS.**

8 (a) IN GENERAL.—Chapter 74 of title 18, United
9 States Code, is amended—

1 (1) in the chapter heading by striking “**PAR-**
2 **TIAL-BIRTH**”; and

3 (2) by inserting after section 1531 the fol-
4 lowing:

5 **“§ 1532. Prohibition on certain procedures**

6 “(a) DEFINITION.—In this section, the term ‘physi-
7 cian’ means a doctor of medicine or osteopathy legally au-
8 thorized to practice medicine and surgery by the State in
9 which the doctor performs such activity, or any other indi-
10 vidual legally authorized by the State to perform abor-
11 tions.

12 “(b) REQUIREMENTS.—A physician who performs an
13 abortion shall—

14 “(1) have admitting privileges at a hospital lo-
15 cated within 15 miles from the principal medical of-
16 fice of the physician and the location in which the
17 abortion is being performed; and

18 “(2) at the time of the abortion, notify the pa-
19 tient involved of the hospital location where the pa-
20 tient can receive follow-up care by the physician if
21 complications resulting from the abortion arise.

22 “(c) OFFENSE.—It shall be unlawful for a physician,
23 in or affecting interstate or foreign commerce, to know-
24 ingly perform an abortion and, in doing so, fail to comply
25 with subsection (b).

1 “(d) PENALTY.—Any physician who violates sub-
 2 section (c) shall be fined under this title, imprisoned not
 3 more than 2 years, or both.

4 “(e) LIMITATION.—A woman upon whom a procedure
 5 described in subsection (c) is performed may not be pros-
 6 ecuted under this section, for a conspiracy to violate this
 7 section, or for an offense under section 2, 3, or 4 of this
 8 title based on a violation of this section.”.

9 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

10 (1) CHAPTER 74.—The table of sections for
 11 such chapter is amended by inserting after the item
 12 relating to section 1531 the following:

“1532. Prohibition on certain procedures.”.

13 (2) PART I.—The table of chapters for part I
 14 of title 18, United States Code, is amended by strik-
 15 ing item relating to chapter 74 and inserting the fol-
 16 lowing:

“74. Abortions 1531”.

17 **SEC. 3. REQUIREMENT OF ABORTION CLINICS.**

18 (a) IN GENERAL.— Subject to subsection (b), as a
 19 condition for receiving any Federal funds or assistance,
 20 an abortion clinic shall—

21 (1) be licensed by the State in which it is lo-
 22 cated; and

23 (2) be in compliance with the requirements for
 24 ambulatory surgery centers under title XVIII of the

1 Social Security Act (42 U.S.C. 1395 et seq.), except
2 for any requirement relating to a certificate of public
3 need for State licensing purposes.

4 (b) WAIVER.—For purposes of complying with sub-
5 section (a)(2) with respect to an abortion clinic, a State
6 board of health may waive the application of certain struc-
7 tural requirements (as the Secretary of Health and
8 Human Services determines appropriate).

9 (c) DEFINITION.—In this section, the term “abortion
10 clinic” means a facility, other than a hospital or ambula-
11 tory surgery center, in which first, second, or third tri-
12 mester abortions are performed during any 12-month pe-
13 riod.