

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 810 Session of 2023

INTRODUCED BY HANBIDGE, HOHENSTEIN, KINKEAD, KINSEY, SANCHEZ,
PROBST, KENYATTA, MADDEN, SCHLOSSBERG, ROZZI, OTTEN,
N. NELSON, KHAN AND MAYES, APRIL 4, 2023

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 4, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in abortion, further providing for
3 spousal notice.

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

6 Section 1. Section 3209 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 3209. Spousal notice.

9 [(a) Spousal notice required.--In order to further the
10 Commonwealth's interest in promoting the integrity of the
11 marital relationship and to protect a spouse's interests in
12 having children within marriage and in protecting the prenatal
13 life of that spouse's child, no physician shall perform an
14 abortion on a married woman, except as provided in subsections
15 (b) and (c), unless he or she has received a signed statement,
16 which need not be notarized, from the woman upon whom the
17 abortion is to be performed, that she has notified her spouse
18 that she is about to undergo an abortion. The statement shall

1 bear a notice that any false statement made therein is
2 punishable by law.

3 (b) Exceptions.--The statement certifying that the notice
4 required by subsection (a) has been given need not be furnished
5 where the woman provides the physician a signed statement
6 certifying at least one of the following:

7 (1) Her spouse is not the father of the child.

8 (2) Her spouse, after diligent effort, could not be
9 located.

10 (3) The pregnancy is a result of spousal sexual assault
11 as described in section 3128 (relating to spousal sexual
12 assault), which has been reported to a law enforcement agency
13 having the requisite jurisdiction.

14 (4) The woman has reason to believe that the furnishing
15 of notice to her spouse is likely to result in the infliction
16 of bodily injury upon her by her spouse or by another
17 individual.

18 Such statement need not be notarized, but shall bear a notice
19 that any false statements made therein are punishable by law.

20 (c) Medical emergency.--The requirements of subsection (a)
21 shall not apply in case of a medical emergency.

22 (d) Forms.--The department shall cause to be published forms
23 which may be utilized for purposes of providing the signed
24 statements required by subsections (a) and (b). The department
25 shall distribute an adequate supply of such forms to all
26 abortion facilities in this Commonwealth.

27 (e) Penalty; civil action.--Any physician who violates the
28 provisions of this section is guilty of "unprofessional
29 conduct," and his or her license for the practice of medicine
30 and surgery shall be subject to suspension or revocation in

1 accordance with procedures provided under the act of October 5,
2 1978 (P.L.1109, No.261), known as the Osteopathic Medical
3 Practice Act, the act of December 20, 1985 (P.L.457, No.112),
4 known as the Medical Practice Act of 1985, or their successor
5 acts. In addition, any physician who knowingly violates the
6 provisions of this section shall be civilly liable to the spouse
7 who is the father of the aborted child for any damages caused
8 thereby and for punitive damages in the amount of \$5,000, and
9 the court shall award a prevailing plaintiff a reasonable
10 attorney fee as part of costs.] (Reserved).

11 Section 2. This act shall take effect in 60 days.