
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 912 Session of
2019

INTRODUCED BY MASTRIANO, SCARNATI, PITTMAN, STEFANO AND J. WARD,
OCTOBER 25, 2019

REFERRED TO HEALTH AND HUMAN SERVICES, OCTOBER 25, 2019

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in abortion, further providing for
3 legislative intent, providing for fetal heartbeat
4 examination, further providing for medical consultation and
5 judgment, for abortion on unborn child of 24 or more weeks
6 gestational age and for reporting.

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

9 Section 1. Section 3202(b) of Title 18 of the Pennsylvania
10 Consolidated Statutes is amended by adding a paragraph to read:
11 § 3202. Legislative intent.

12 * * *

13 (b) Conclusions.--Reliable and convincing evidence has
14 compelled the General Assembly to conclude and the General
15 Assembly does hereby solemnly declare and find that:

16 * * *

17 (6) Based on contemporary research, all of the
18 following:

19 (i) As many as 30% of natural pregnancies end in
20 spontaneous miscarriage.

1 (ii) Less than 5% of all natural pregnancies end in
2 a spontaneous miscarriage after detection of fetal
3 cardiac activity.

4 (iii) More than 90% of pregnancies resulting from in
5 vitro fertilization survive the first trimester if
6 cardiac activity is detected in the gestational sac.

7 (iv) Nearly 90% of pregnancies resulting from in
8 vitro fertilization do not survive the first trimester if
9 cardiac activity is not detected in the gestational sac.

10 (v) Consequently, fetal heartbeat has become a key
11 medical predictor that an unborn individual will reach
12 live birth.

13 (vi) Cardiac activity begins at a biologically
14 identifiable moment in time, normally when the fetal
15 heart is formed in the gestational sac.

16 (vii) In order to make an informed choice about
17 whether to continue the pregnancy, a pregnant woman has a
18 legitimate interest in knowing the likelihood of the
19 fetus surviving to full-term birth based upon the
20 presence of cardiac activity.

21 * * *

22 Section 2. Title 18 is amended by adding a section to read:

23 § 3203.1. Fetal heartbeat examination.

24 Before performing an abortion, a physician shall conduct a
25 physical examination of the pregnant woman and her unborn child
26 to determine if there is a fetal heartbeat present. The
27 physician shall utilize the physician's best clinical judgment
28 to determine whether or not a fetal heartbeat is present.

29 Section 3. Sections 3204(a), 3211 heading, (a) and (b) (2)
30 and 3214(a) (1) of Title 18 are amended to read:

1 § 3204. Medical consultation and judgment.

2 (a) Abortion prohibited; exceptions.--No abortion shall be
3 performed after a fetal heartbeat is detected. If there is no
4 fetal heartbeat, no abortion shall be performed except by a
5 physician after either:

6 (1) he determines that, in his best clinical judgment,
7 the abortion is necessary; or

8 (2) he receives what he reasonably believes to be a
9 written statement signed by another physician, hereinafter
10 called the "referring physician," certifying that in this
11 referring physician's best clinical judgment the abortion is
12 necessary.

13 * * *

14 § 3211. Abortion on unborn child [of 24 or more weeks
15 gestational age] after fetal heartbeat is detected.

16 (a) Prohibition.--Except as provided in subsection (b), no
17 person shall perform or induce an abortion upon another person
18 when the [gestational age of the unborn child is 24 or more
19 weeks] unborn child has a detectable fetal heartbeat.

20 (b) Exceptions.--

21 * * *

22 (2) It shall not be a violation of subsection (a) if the
23 abortion is performed by a physician and that physician
24 reasonably believes, after [making a determination of the
25 gestational age of the unborn child] examining the pregnant
26 woman in compliance with section 3210 (relating to
27 determination of gestational age), that the unborn child [is
28 less than 24 weeks gestational age] does not have a fetal
29 heartbeat.

30 * * *

1 § 3214. Reporting.

2 (a) General rule.--For the purpose of promotion of maternal
3 health and life by adding to the sum of medical and public
4 health knowledge through the compilation of relevant data, and
5 to promote the Commonwealth's interest in protection of the
6 unborn child, a report of each abortion performed shall be made
7 to the department on forms prescribed by it. The report forms
8 shall not identify the individual patient by name and shall
9 include the following information:

10 (1) Identification of the physician who performed the
11 abortion, the concurring physician as required by section
12 3211(c)(2) (relating to abortion on unborn child [of 24 or
13 more weeks gestational age] after fetal heartbeat is
14 detected), the second physician as required by section
15 3211(c)(5) and the facility where the abortion was performed
16 and of the referring physician, agency or service, if any.

17 * * *

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