

117TH CONGRESS  
1ST SESSION

# S. 83

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

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## IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2021

Mr. KENNEDY (for himself, Mr. BRAUN, Mr. CRAMER, Mrs. HYDE-SMITH, Mr. INHOFE, Mr. MARSHALL, Mr. ROUNDS, and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## 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 2021”.

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 the item relating to chapter 74 and inserting the  
16 following:

“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.

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