

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1194 Session of 2023

INTRODUCED BY SHUSTERMAN, PROBST, MADDEN, SANCHEZ, KHAN,
HOHENSTEIN, STURLA, OTTEN, BOROWSKI, KRAJEWSKI, KINKEAD,
GREEN, KINSEY AND MAYES, MAY 18, 2023

REFERRED TO COMMITTEE ON HEALTH, MAY 18, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in abortion, further providing for
3 publicly owned facilities, public officials and public funds.

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

6 Section 1. Section 3215(a)(2) and (3), (c), (i) and (j) of
7 Title 18 of the Pennsylvania Consolidated Statutes are amended
8 to read:

9 § 3215. Publicly owned facilities; public officials and public
10 funds.

11 (a) Limitations.--No hospital, clinic or other health
12 facility owned or operated by the Commonwealth, a county, a city
13 or other governmental entity (except the government of the
14 United States, another state or a foreign nation) shall:

15 * * *

16 [(2) Lease or sell or permit the subleasing of its
17 facilities or property to any physician or health facility
18 for use in the provision, inducement or performance of

1 abortion, except abortion necessary to avert the death of the
2 woman or to terminate pregnancies initiated by acts of rape
3 or incest if reported in accordance with requirements set
4 forth in subsection (c).

5 (3) Enter into any contract with any physician or health
6 facility under the terms of which such physician or health
7 facility agrees to provide, induce or perform abortions,
8 except abortion necessary to avert the death of the woman or
9 to terminate pregnancies initiated by acts of rape or incest
10 if reported in accordance with requirements set forth in
11 subsection (c).]

12 * * *

13 [(c) Public funds.--No Commonwealth funds and no Federal
14 funds which are appropriated by the Commonwealth shall be
15 expended by any State or local government agency for the
16 performance of abortion, except:

17 (1) When abortion is necessary to avert the death of the
18 mother on certification by a physician. When such physician
19 will perform the abortion or has a pecuniary or proprietary
20 interest in the abortion there shall be a separate
21 certification from a physician who has no such interest.

22 (2) When abortion is performed in the case of pregnancy
23 caused by rape which, prior to the performance of the
24 abortion, has been reported, together with the identity of
25 the offender, if known, to a law enforcement agency having
26 the requisite jurisdiction and has been personally reported
27 by the victim.

28 (3) When abortion is performed in the case of pregnancy
29 caused by incest which, prior to the performance of the
30 abortion, has been personally reported by the victim to a law

1 enforcement agency having the requisite jurisdiction, or, in
2 the case of a minor, to the county child protective service
3 agency and the other party to the incestuous act has been
4 named in such report.]

5 * * *

6 [(i) Public funds for legal services.--No Federal or State
7 funds which are appropriated by the Commonwealth for the
8 provision of legal services by private agencies, and no public
9 funds generated by collection of interest on lawyer's trust
10 accounts, as authorized by statute previously or subsequently
11 enacted, may be used, directly or indirectly, to:

12 (1) Advocate the freedom to choose abortion or the
13 prohibition of abortion.

14 (2) Provide legal assistance with respect to any
15 proceeding or litigation which seeks to procure or prevent
16 any abortion or to procure or prevent public funding for any
17 abortion.

18 (3) Provide legal assistance with respect to any
19 proceeding or litigation which seeks to compel or prevent the
20 performance or assistance in the performance of any abortion,
21 or the provision of facilities for the performance of any
22 abortion.

23 Nothing in this subsection shall be construed to require or
24 prevent the expenditure of funds pursuant to a court order
25 awarding fees for attorney's services under the Civil Rights
26 Attorney's Fees Awards Act of 1976 (Public law 94-559, 90 Stat.
27 2641), nor shall this subsection be construed to prevent the use
28 of public funds to provide court appointed counsel in any
29 proceeding authorized under section 3206 (relating to parental
30 consent).

1 (j) Required statements.--No Commonwealth agency shall make
2 any payment from Federal or State funds appropriated by the
3 Commonwealth for the performance of any abortion pursuant to
4 subsection (c) (2) or (3) unless the Commonwealth agency first:

5 (1) receives from the physician or facility seeking
6 payment a statement signed by the physician performing the
7 abortion stating that, prior to performing the abortion, he
8 obtained a non-notarized, signed statement from the pregnant
9 woman stating that she was a victim of rape or incest, as the
10 case may be, and that she reported the crime, including the
11 identity of the offender, if known, to a law enforcement
12 agency having the requisite jurisdiction or, in the case of
13 incest where a pregnant minor is the victim, to the county
14 child protective service agency and stating the name of the
15 law enforcement agency or child protective service agency to
16 which the report was made and the date such report was made;

17 (2) receives from the physician or facility seeking
18 payment, the signed statement of the pregnant woman which is
19 described in paragraph (1). The statement shall bear the
20 notice that any false statements made therein are punishable
21 by law and shall state that the pregnant woman is aware that
22 false reports to law enforcement authorities are punishable
23 by law; and

24 (3) verifies with the law enforcement agency or child
25 protective service agency named in the statement of the
26 pregnant woman whether a report of rape or incest was filed
27 with the agency in accordance with the statement.

28 The Commonwealth agency shall report any evidence of false
29 statements, of false reports to law enforcement authorities or
30 of fraud in the procurement or attempted procurement of any

1 payment from Federal or State funds appropriated by the
2 Commonwealth pursuant to this section to the district attorney
3 of appropriate jurisdiction and, where appropriate, to the
4 Attorney General.]

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