

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2056 Session of
2024

INTRODUCED BY SHUSTERMAN, MADDEN, PARKER, KINSEY, PROBST,
SCHLOSSBERG, CEPEDA-FREYTIZ, HOHENSTEIN, BOROWSKI, BELLMON,
SANCHEZ, GREEN, BOYD, KRAJEWSKI, KHAN, OTTEN, BRENNAN,
STEELE, WAXMAN, HANBIDGE, DELLOSO, FIEDLER, DONAHUE AND
O'MARA, FEBRUARY 23, 2024

REFERRED TO COMMITTEE ON HEALTH, FEBRUARY 23, 2024

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

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

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

13 * * *

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

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

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

29 (3) When abortion is performed in the case of pregnancy
30 caused by incest which, prior to the performance of the

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

6 * * *

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

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

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

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

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

1 consent).

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

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

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

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

29 The Commonwealth agency shall report any evidence of false
30 statements, of false reports to law enforcement authorities or

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

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