

117TH CONGRESS  
1ST SESSION

# H. R. 381

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

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 2021

Mr. BIGGS (for himself, Mr. DUNCAN, Mr. NORMAN, Mr. GAETZ, Mr. MOONEY, Mr. BUDD, Mr. GIBBS, Mr. ROUZER, Mr. GOODEN of Texas, Mrs. HINSON, Mr. GOOD of Virginia, Mr. CAWTHORN, Mr. MOORE of Alabama, Mr. MULLIN, Mr. JOHNSON of Ohio, Mr. ALLEN, Mr. KELLER, and Mr. STEUBE) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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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”.

1 **SEC. 2. REQUIREMENT FOR PHYSICIANS RELATING TO THE**  
2 **PERFORMANCE OF ABORTIONS.**

3 (a) IN GENERAL.—Chapter 74 of title 18, United  
4 States Code, is amended—

5 (1) in the chapter heading by striking “**PAR-**  
6 **TIAL-BIRTH**”; and

7 (2) by inserting after section 1531 the fol-  
8 lowing:

9 **“§ 1532. Prohibition on certain procedures**

10 “(a) DEFINITION.—In this section, the term ‘physi-  
11 cian’ means a doctor of medicine or osteopathy legally au-  
12 thorized to practice medicine and surgery by the State in  
13 which the doctor performs such activity, or any other indi-  
14 vidual legally authorized by the State to perform abor-  
15 tions.

16 “(b) REQUIREMENTS.—A physician who performs an  
17 abortion shall—

18 “(1) have admitting privileges at a hospital lo-  
19 cated within 15 miles from the principal medical of-  
20 fice of the physician and the location in which the  
21 abortion is being performed; and

22 “(2) at the time of the abortion, notify the pa-  
23 tient involved of the hospital location where the pa-  
24 tient can receive follow-up care by the physician if  
25 complications resulting from the abortion arise.

1       “(c) OFFENSE.—It shall be unlawful for a physician,  
 2 in or affecting interstate or foreign commerce, to know-  
 3 ingly perform an abortion and, in doing so, fail to comply  
 4 with subsection (b).

5       “(d) PENALTY.—Any physician who violates sub-  
 6 section (c) shall be fined under this title, imprisoned not  
 7 more than 2 years, or both.

8       “(e) LIMITATION.—A woman upon whom a procedure  
 9 described in subsection (c) is performed may not be pros-  
 10 ecuted under this section, for a conspiracy to violate this  
 11 section, or for an offense under section 2, 3, or 4 of this  
 12 title based on a violation of this section.”.

13       (b) TECHNICAL AND CONFORMING AMENDMENTS.—

14           (1) CHAPTER 74.—The table of sections for  
 15 such chapter is amended by inserting after the item  
 16 relating to section 1531 the following:

“1532. Prohibition on certain procedures.”.

17           (2) PART I.—The table of chapters for part I  
 18 of title 18, United States Code, is amended by strik-  
 19 ing item relating to chapter 74 and inserting the fol-  
 20 lowing:

“74. Abortions ..... 1531”.

21 **SEC. 3. REQUIREMENT OF ABORTION CLINICS.**

22       (a) IN GENERAL.—Subject to subsection (b), as a  
 23 condition for receiving any Federal funds or assistance,  
 24 an abortion clinic shall—

1           (1) be licensed by the State in which it is lo-  
2 cated; and

3           (2) be in compliance with the requirements for  
4 ambulatory surgery centers under title XVIII of the  
5 Social Security Act (42 U.S.C. 1395 et seq.), except  
6 for any requirement relating to a certificate of public  
7 need for State licensing purposes.

8           (b) WAIVER.—For purposes of complying with sub-  
9 section (a)(2) with respect to an abortion clinic, a State  
10 board of health may waive the application of certain struc-  
11 tural requirements (as the Secretary of Health and  
12 Human Services determines appropriate).

13           (c) DEFINITION.—In this section, the term “abortion  
14 clinic” means a facility, other than a hospital or ambula-  
15 tory surgery center, in which first, second, or third tri-  
16 mester abortions are performed during any 12-month pe-  
17 riod.

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