

118TH CONGRESS
1ST SESSION

H. R. 384

To prohibit the use or declaration of a public health emergency with respect to abortion, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 17, 2023

Mr. HERN (for himself, Mr. SESSIONS, Mrs. MILLER of Illinois, Mr. DUNCAN, Mr. ADERHOLT, Mr. ELLZEY, Mr. BABIN, Mr. GROTHMAN, Mr. FEENSTRA, Mr. WENSTRUP, Mr. LOUDERMILK, Mr. GUEST, Mr. PFLUGER, Mr. FRY, Mrs. HARSHBARGER, Mr. MOOLENAAR, Mr. ROSE, Mr. JACKSON of Texas, Mr. CLINE, Mr. MAST, Mr. FINSTAD, Mrs. BOEBERT, Mr. GREEN of Tennessee, Mr. LAMBORN, Mr. BAIRD, Mrs. HINSON, Mr. LAMALFA, Mr. CLYDE, Mr. WEBER of Texas, Mr. BANKS, Mr. WEBSTER of Florida, Mr. LANGWORTHY, Mr. KELLY of Mississippi, Mr. RUTHERFORD, and Mr. GOSAR) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To prohibit the use or declaration of a public health emergency with respect to abortion, 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 “Protecting Life from
5 Chemical Abortions Act”.

1 **SEC. 2. NO DECLARATION OF PUBLIC HEALTH EMERGENCY**
2 **WITH RESPECT TO ABORTION.**

3 (a) PROHIBITION.—The Secretary of Health and
4 Human Services shall not use or declare any public health
5 emergency under section 319 or 319F–3 of the Public
6 Health Service Act (42 U.S.C. 247d, 247d–6b) with re-
7 spect to abortion.

8 (b) TERMINATION OF ANY DECLARATION IN EF-
9 FECT.—Any declaration described in subsection (a) that
10 is in effect as of the date of enactment of this Act is here-
11 by terminated.

12 **SEC. 3. LIMITATIONS ON ABORTION DRUG.**

13 (a) IN GENERAL.—The Secretary of Health and
14 Human Services, the Commissioner of Food and Drugs,
15 or any other official within the Department of Health and
16 Human Services, with respect to the applicable risk eval-
17 uation and mitigation strategy under section 505–1 of the
18 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–
19 1) relating to abortion drugs—

20 (1) may not exercise enforcement discretion
21 with respect to any requirement under such strategy;
22 and

23 (2) shall, effective on the date of the enactment
24 of this Act, reinstate the requirement under such
25 strategy that abortion drugs be dispensed in only
26 clinics, medical offices, and hospitals by or under the

1 supervision of a certified health care provider (com-
2 monly referred to as the “in-person dispensing re-
3 quirement”).

4 (b) OTHER LIMITATIONS.—With respect to the appli-
5 cable risk evaluation and mitigation strategy under section
6 505–1 of the Federal Food, Drug, and Cosmetic Act (21
7 U.S.C. 355–1) relating to an abortion drug, the Secretary
8 of Health and Human Services, the Commissioner of Food
9 and Drugs, or any other official within the Department
10 of Health and Human Services—

11 (1) may not reduce protections (including by
12 means of any update) in such strategy until every
13 State submits to the abortion surveillance system of
14 the Centers for Disease Control and Prevention the
15 abortion data collected in the aggregate from the
16 States and entered into a standardized worksheet
17 that includes questions on the variables specified in
18 subsection (c); and

19 (2) may not waive the requirement under such
20 strategy that such drugs be dispensed in only clinics,
21 medical offices, and hospitals by or under the super-
22 vision of a certified health care provider (commonly
23 referred to as the “in-person dispensing require-
24 ment”).

1 (c) MANDATORY VARIABLES.—The mandatory vari-
2 ables specified in this subsection shall be treated as man-
3 datory questions for purposes of section 1903(bb) of the
4 Social Security Act (42 U.S.C. 1396b(bb)) and shall in-
5 clude the following:

6 (1) Maternal age in years.

7 (2) Gestational age in completed weeks at the
8 time of abortion.

9 (3) Maternal race.

10 (4) Maternal ethnicity.

11 (5) Maternal race by ethnicity.

12 (6) The abortion method type.

13 (7) Maternal marital status.

14 (8) Previous pregnancies of the mother, includ-
15 ing the number of previous live births, the number
16 of previous induced abortions, and the number of
17 previous spontaneous abortions.

18 (9) Maternal residence (State or county).

19 (10) Whether the child survived the abortion.

20 (11) Congenital anomalies.

21 (d) DEFINITIONS.—In this section:

22 (1) The term “abortion” means the use or pro-
23 vision of any instrument, medicine, drug, or any
24 other substance or device—

1 (A) to intentionally kill the unborn child of
2 a woman known to be pregnant; or

3 (B) to intentionally terminate the preg-
4 nancy of a woman known to be pregnant, with
5 an intention other than—

6 (i) after viability to produce a live
7 birth that, if premature, is medically indi-
8 cated, and to preserve the life and health
9 of the child born alive;

10 (ii) to treat an ectopic pregnancy; or

11 (iii) to remove a dead unborn child.

12 (2) The term “abortion drug” means any medi-
13 cine, drug, or any other substance or combination of
14 drugs, medicine, or substances used for an abortion.

15 (3) The term “certified health care provider”
16 means a health care provider that has completed a
17 Prescriber Agreement Form pursuant to the ele-
18 ments for safe use under the applicable risk evalua-
19 tion and mitigation strategy under section 505–1 of
20 the Federal Food, Drug, and Cosmetic Act (21
21 U.S.C. 355–1) relating to abortion drugs, under
22 which the provider agrees to the following:

23 (A) The provider has the following quali-
24 fications:

1 (i) Ability to assess the duration of
2 pregnancy accurately.

3 (ii) Ability to diagnose ectopic preg-
4 nancies.

5 (iii) Ability to provide surgical inter-
6 vention in cases of incomplete abortion or
7 severe bleeding, or to have made plans to
8 provide such care through others, and abil-
9 ity to assure patient access to medical fa-
10 cilities equipped to provide blood trans-
11 fusions and resuscitation, if necessary.

12 (B) The provider will follow the guidelines
13 for use of mifepristone under the applicable risk
14 evaluation and mitigation strategy under sec-
15 tion 505–1 of the Federal Food, Drug, and
16 Cosmetic Act (21 U.S.C. 355–1) relating to
17 abortion drugs.

18 (4) The term “unborn child” means an indi-
19 vidual organism of the species homo sapiens, begin-
20 ning at fertilization, until the point of being born
21 alive as defined in section 8(b) of title 18, United
22 States Code.

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