



|| SENATE OF PENNSYLVANIA BILL SUMMARY

House Bill 1948 Printer's No. 3056

Prime Sponsor: Representative Rapp
Committee: Judiciary

SYNOPSIS:

This bill amends the Abortion Control Act in Title 18 (Crimes and Offenses) to change the gestational limit for elective abortions and to prohibit the practice of dismemberment abortions.

SUMMARY:

Gestational Age

Current law prohibits an individual from performing or inducing an abortion upon another person when the gestational age of the unborn child is 24 or more weeks, unless the abortion is performed to protect the mother from death or a substantial and irreversible impairment of a major bodily function. This bill changes the gestational age limit to 20 weeks. The bill does not change the current requirement that two physicians must certify the threat of death or substantial and irreversible impairment of a major bodily function. A violation of this prohibition is graded as a felony of the third degree.

Dismemberment Abortions

The bill adds a new Section 3211.1 to prohibit "dismemberment abortions," which the bill defines as "the act of knowingly and purposefully causing the death of an unborn child by means of dismembering the unborn child and extracting the unborn child one piece at a time from the uterus through the use of clamps, grasping forceps, tongs, scissors or similar instruments." The term does not include an abortion that is performed exclusively through suction curettage. A violation of Section 3211.1 is graded as a felony of the third degree, punishable by up to 7 years imprisonment and a fine of up to \$15,000.

When the gestational age of the unborn child is 20 weeks or more, Section 3211.1 prohibits dismemberment abortion unless all of the following apply:

- Two physicians agree that the abortion is necessary to prevent either the death of the pregnant woman or the substantial or irreversible impairment of a major bodily function of the woman
- The abortion is performed in a hospital
- The physician terminates the pregnancy in a manner that provides the best opportunity for the unborn child to survive, unless it is determined that termination of the pregnancy in that manner poses a significantly greater risk of death or bodily impairment of the woman

- The physician performing the abortion arranges for a second physician to take control of the child immediately after extraction from the mother and provide immediate medical care for the child, taking all reasonable steps necessary to preserve the child's life and health

When the gestational age of the unborn child is less than 20 weeks, Section 3211.1 prohibits dismemberment abortion unless the physician performing the abortion and a second physician certify that the abortion is necessary to prevent the death or substantial and irreversible bodily impairment of the woman.

Liability

The following individuals will not be liable for performing or attempting to perform a dismemberment abortion:

- The patient upon whom the dismemberment abortion is performed or attempted to be performed
- A nurse, technician, secretary or receptionist who is not a physician but is acting at the direction of the physician
- A pharmacist or other individual who fills a prescription or provides instruments or materials used in a dismemberment abortion at the direction of a physician.

Technical Changes

The bill repeals Section 3209, which pertains to spousal notice before an abortion is performed. This section was declared unconstitutional by the U.S. Supreme Court in *Planned Parenthood of Southeastern Pa. v. Casey*. The bill also clarifies that medical consultations that occur prior to an abortion procedure must occur in-person.

EFFECTIVE DATE:

This bill is effective in 60 days.

BILL HISTORY:

Passed the House of Representatives on June 21, 2016 by a vote of 132-65.

Prepared by: Cawley 7/10/2016