

112TH CONGRESS  
2D SESSION

# H. R. 5731

To prohibit Federal assistance for telemedicine abortions and to ban interstate abortions using telemedicine technology.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2012

Mr. KING of Iowa (for himself, Mr. SMITH of New Jersey, Mr. PITTS, Mr. JONES, Mr. HULTGREN, Mr. HUIZENGA of Michigan, Mr. MURPHY of Pennsylvania, Mr. LANKFORD, Mr. GOHMERT, Mr. CANSECO, Mr. ROSS of Florida, Mr. LANDRY, Mr. LIPINSKI, Mrs. MYRICK, Mrs. SCHMIDT, Mr. BENISHEK, Mrs. HARTZLER, Mr. JOHNSON of Ohio, Mr. MCHENRY, Mr. SOUTHERLAND, Mr. DUNCAN of South Carolina, Mr. HUELSKAMP, Mr. PEARCE, Mr. MANZULLO, Mr. COLE, Mr. FLEISCHMANN, Mr. DESJARLAIS, Mr. ROE of Tennessee, Mr. NEUGEBAUER, Mr. SCHWEIKERT, Mrs. ELLMERS, Mr. GARRETT, Mr. FLORES, Mr. HARRIS, Mrs. BLACK, Mr. JORDAN, Mr. MARCHANT, Mrs. BLACKBURN, Mr. BARTLETT, Mr. SCOTT of South Carolina, Mr. BRADY of Texas, Mrs. BACHMANN, Mr. FLEMING, Mr. MILLER of Florida, Mr. KELLY, Mr. McCOTTER, Mr. LAMBORN, and Mr. BROUN of Georgia) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Agriculture, Energy and Commerce, and Natural Resources, 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 prohibit Federal assistance for telemedicine abortions and to ban interstate abortions using telemedicine technology.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Telemedicine Safety  
3 Act”.

4 **SEC. 2. PROHIBITION OF FEDERAL ASSISTANCE FOR TELE-**  
5 **MEDICINE ABORTIONS.**

6       Title 1, United States Code, is amended by adding  
7 at the end the following new chapter:

8 **“CHAPTER 4—PROHIBITION ON PROVI-**  
9 **SION OF FUNDS TO PROVIDERS OF**  
10 **TELEMEDICINE SERVICES WHO PRO-**  
11 **VIDE TELEMEDICINE ABORTIONS**

“301. Prohibition on funds provided to providers of telemedicine services who  
provide telemedicine abortions.

12 **“§ 301. Prohibition on funds to facilitate telemedicine**  
13 **abortions**

14       “(a) No funds made available under a telemedicine  
15 law (as defined in subsection (c)) may be used for tele-  
16 medicine abortions or for assistance to facilities that offer  
17 telemedicine abortions.

18       “(b) No equipment, infrastructure, or other items  
19 purchased using funds made available under a telemedi-  
20 cine law may be used for telemedicine abortions.

21       “(c) In this section:

22               “(1) The term ‘telemedicine abortion’ has the  
23 meaning given such term in section 1842(a) of title  
24 18, United States Code.

1           “(2) The term ‘telemedicine law’ means any of  
2           the following provisions of law insofar as each re-  
3           lates to telemedicine services (as defined in such sec-  
4           tion 1842(a)):

5                   “(A) Chapter 1 of subtitle D of title XXIII  
6                   of the Food, Agriculture, Conservation, and  
7                   Trade Act of 1990 (7 U.S.C. 950aaa et seq.).

8                   “(B) Section 254(h)(1)(A) of the Commu-  
9                   nications Act of 1934 (47 U.S.C.  
10                  254(h)(1)(A)).

11                  “(C) Sections 201 and 518 of the Indian  
12                  Health Care Improvement Act (25 U.S.C.  
13                  1621, 1660h).

14                  “(D) Sections 3011 and 3012 of the Public  
15                  Health Service Act (42 U.S.C. 300jj–31, 300jj–  
16                  32).

17                  “(E) Sections 330A–1, 330D, 330F,  
18                  330G, 330H, 330I, 330K, and 330L of the  
19                  Public Health Service Act (42 U.S.C. 254c–1a,  
20                  254c–4, 254c–6, 254c–7, 254c–8, 254c–9,  
21                  254c–16, 254c–18).”.

1 **SEC. 3. PROHIBITION OF INTERSTATE TELEMEDICINE**  
 2 **ABORTIONS.**

3 (a) IN GENERAL.—Chapter 90 of title 18, United  
 4 States Code, is amended by inserting after section 1841  
 5 the following:

6 **“SEC. 1842. PROHIBITION OF INTERSTATE TELEMEDICINE**  
 7 **ABORTIONS.**

8 “(a) DEFINITIONS.—For purposes of this section:

9 “(1) TELEMEDICINE ABORTION.—The term  
 10 ‘telemedicine abortion’ means the use by a health  
 11 professional of telemedicine services to prescribe,  
 12 dispense, procure, administer, or otherwise provide  
 13 any instrument, medicine, drug, or any other sub-  
 14 stance, device, or method to terminate the life of an  
 15 unborn child, or to terminate the pregnancy of a  
 16 woman who is pregnant, without such health profes-  
 17 sional conducting an in-person medical examination  
 18 of such woman during her current pregnancy, with  
 19 an intention other than—

20 “(A) to produce a live birth and preserve  
 21 the life and health of the child after live birth;  
 22 or

23 “(B) to remove an ectopic pregnancy, or to  
 24 remove a dead unborn child who died as the re-  
 25 sult of a spontaneous abortion, accidental trau-

1           ma, or a criminal assault on the pregnant fe-  
2           male or her unborn child.

3           “(2) TELEMEDICINE SERVICES.—The term  
4           ‘telemedicine services’ means a telecommunications  
5           link to an end user through the use of equipment  
6           that electronically links patients and health profes-  
7           sionals at separate sites in order to exchange health  
8           care information in audio, video, graphic, or other  
9           format for the purpose of providing health care serv-  
10          ices.

11          “(3) IN-PERSON.—The term ‘in-person’ in the  
12          same room and in the physical presence of the  
13          woman.

14          “(b) BAN ON INTERSTATE ABORTIONS USING TELE-  
15 MEDICINE TECHNOLOGY.—Whoever knowingly provides a  
16 telemedicine abortion across State lines shall be fined  
17 under this title or imprisoned not more than 1 year, or  
18 both.”.

19          (b) TECHNICAL AMENDMENT.—The table of sections  
20 for chapter 90 of title 18, United States Code, is amended  
21 by inserting after the item relating to section 1841 the  
22 following:

“1842. Prohibition of interstate telemedicine abortions.”.

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