

114TH CONGRESS
1ST SESSION

S. 78

To impose admitting privilege requirements with respect to physicians who perform abortions.

IN THE SENATE OF THE UNITED STATES

JANUARY 7, 2015

Mr. VITTER introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To impose admitting privilege requirements with respect to physicians who perform abortions.

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”.

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

8 Chapter 74 of title 18, United States Code, is amend-
9 ed by adding at the end the following:

1 **“§ 1532. Prohibition on certain procedures**

2 “(a) DEFINITION.—As used in this section, the term
3 ‘physician’ means a doctor of medicine or osteopathy le-
4 gally authorized to practice medicine and surgery by the
5 State in which the doctor performs such activity, or any
6 other individual legally authorized by the State to perform
7 abortions.

8 “(b) OFFENSE.—A physician who, in or affecting
9 interstate or foreign commerce, knowingly performs an
10 abortion and, in doing so, fails to comply with subsection
11 (c), shall be fined under this title or imprisoned not more
12 than 2 years, or both.

13 “(c) REQUIREMENTS.—A physician who performs an
14 abortion shall—

15 “(1) have admitting privileges at a hospital to
16 which the physician can travel in one hour or less
17 (determined on the basis of starting at the principal
18 medical office of the physician and traveling to the
19 hospital) and under the average conditions of travel
20 for the physician; and

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

25 “(d) APPLICABILITY.—This section—

1 “(1) shall not apply to an abortion that is nec-
 2 essary to save the life of a mother whose life is en-
 3 dangered by a physical disorder, physical illness, or
 4 physical injury, including a life-endangering physical
 5 condition caused by or arising from the pregnancy
 6 itself; and

7 “(2) shall apply to any individual who is not a
 8 physician or not otherwise legally authorized by the
 9 State to perform abortions, but who nevertheless di-
 10 rectly performs an abortion.

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

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

17 (a) IN GENERAL.—Each abortion clinic that receives
 18 any Federal funds or assistance shall—

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

21 (2) be in compliance with the requirements ex-
 22 isting on the date of enactment of this Act for am-
 23 bulatory surgery centers under title XVIII of the So-
 24 cial Security Act (42 U.S.C. 1395 et seq.), except

1 for any requirement relating to a certificate of public
2 need for State licensing purposes.

3 (b) WAIVER.—For purposes of complying with sub-
4 section (a)(2) with respect to an abortion clinic, a State
5 board of health may waive the application of certain struc-
6 tural requirements (as determined appropriate by the Sec-
7 retary of Health and Human Services).

8 (c) DEFINITION.—In this section, the term “abortion
9 clinic” means a facility other than a hospital or an ambu-
10 latory surgery center, in which 25 or more first trimester
11 abortions are performed during any 12-month period.

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