

116TH CONGRESS
2D SESSION

S. 3252

To prohibit chemical abortions performed without the presence of a healthcare provider, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2020

Mr. CASSIDY (for himself, Mr. KENNEDY, Mr. INHOFE, Mr. DAINES, Mr. LANKFORD, Mrs. BLACKBURN, Mr. CRAMER, and Mr. SCOTT of South Carolina) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prohibit chemical abortions performed without the presence of a healthcare provider, 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 “Teleabortion Preven-
5 tion Act of 2020”.

1 **SEC. 2. CHEMICAL ABORTIONS PROHIBITED WITHOUT A**
 2 **HEALTHCARE PROVIDER PRESENT.**

3 (a) CHEMICAL ABORTIONS PROHIBITED WITHOUT A
 4 PHYSICIAN PRESENT.—Chapter 74 of title 18, United
 5 States Code, is amended—

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

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

10 **“§ 1532. Chemical abortions prohibited without a**
 11 **healthcare provider physically present**

12 “(a) OFFENSE.—Any healthcare provider who, in or
 13 affecting interstate or foreign commerce, knowingly pro-
 14 vides or attempts to provide a chemical abortion—

15 “(1) without physically examining the patient;

16 “(2) without being physically present at the lo-
 17 cation of the chemical abortion; or

18 “(3) without scheduling a follow-up visit for the
 19 patient to occur not more than 14 days after the ad-
 20 ministration or use of the drug to assess the pa-
 21 tient’s physical condition,

22 shall be fined not more than \$1,000 or imprisoned not
 23 more than 2 years, or both. This subsection does not apply
 24 to a chemical abortion that is necessary to save the life
 25 of a mother whose life is endangered by a physical dis-
 26 order, physical illness, or physical injury, including a life-

1 endangering physical condition caused by or arising from
 2 the pregnancy itself.

3 “(b) NO LIABILITY OF THE PATIENT.—A patient
 4 upon whom an abortion is performed may not be pros-
 5 ecuted under this section or for a conspiracy to violate
 6 this section.

7 “(c) DEFINITIONS.—In this section:

8 “(1) ABORTION DRUG.—The term ‘abortion
 9 drug’ means any medicine, drug or any other sub-
 10 stance, or any combination of drugs, medicines or
 11 substances, when it is used—

12 “(A) to intentionally kill the unborn child
 13 of a woman known to be pregnant; or

14 “(B) to intentionally terminate the preg-
 15 nancy of a woman known to be pregnant, with
 16 an intention other than—

17 “(i) to produce a live birth; or

18 “(ii) to remove a dead unborn child.

19 “(2) ATTEMPTS TO PROVIDE.—In this section,
 20 the term ‘attempts to provide’, means conduct that,
 21 under the circumstances as the actor believes them
 22 to be, constitutes a substantial step in a course of
 23 conduct planned to culminate in a chemical abortion.

24 “(3) CHEMICAL ABORTION.—The term ‘chem-
 25 ical abortion’ refers to the use of an abortion drug—

1 “(A) to intentionally kill the unborn child
2 of 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) to produce a live birth; or

7 “(ii) to remove a dead unborn child.

8 “(4) HEALTHCARE PROVIDER.—The term
9 ‘healthcare provider’ means any person licensed to
10 prescribe prescription drugs under applicable Fed-
11 eral and State laws.

12 “(5) PROVIDE.—In this section, the term ‘pro-
13 vide’, means to dispense or prescribe an abortion
14 drug, or to otherwise make an abortion drug avail-
15 able to a patient.

16 “(6) UNBORN CHILD.—The term ‘unborn child’
17 means an individual organism of the species homo
18 sapiens, beginning at fertilization, until the point of
19 being born alive as defined in section 8(b).

20 “(d) RULE OF CONSTRUCTION REGARDING ECTOPIC
21 PREGNANCY.—Nothing in this section shall be construed
22 to have any impact on the treatment of a verified ectopic
23 pregnancy.

24 “(e) SEVERABILITY.—If any provision of this section
25 or the application of such provision to any person or cir-

1 cumstance is held to be invalid, the remainder of this sec-
 2 tion and the application of the provisions of the remainder
 3 to any person or circumstance shall not be affected there-
 4 by.”.

5 (b) CLERICAL AMENDMENTS.—

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

“1532. Chemical abortions prohibited without a healthcare provider physically
 present”.

9 (2) PART I.—The table of chapters for part I
 10 of title 18, United States Code, is amended by strik-
 11 ing the item relating to chapter 74 and inserting the
 12 following:

“74. Abortions 1531”.

