
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1500 Session of
2021

INTRODUCED BY KLUNK, RAPP, BERNSTINE, BOROWICZ, DIAMOND, ECKER,
FEE, FRITZ, GILLEN, GLEIM, GREINER, GROVE, HAMM, HEFFLEY,
HERSHEY, HICKERNELL, JAMES, JONES, KAIL, KAUFFMAN, KERWIN,
KNOWLES, KULIK, LEWIS DELROSSO, MERCURI, METCALFE, B. MILLER,
MIZGORSKI, MOUL, E. NELSON, O'NEAL, OBERLANDER, ORTITAY,
OWLETT, PENNYCUICK, PICKETT, ROAE, ROTHMAN, ROWE, RYAN,
SANKEY, SAYLOR, SCHEMEL, SCHMITT, STAATS, STAMBAUGH,
TOMLINSON, TOPPER, TWARDZIK, WENTLING AND ZIMMERMAN,
MAY 19, 2021

REFERRED TO COMMITTEE ON HEALTH, MAY 19, 2021

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in abortion, further providing for
3 definitions, for medical consultation and judgment and for
4 reporting.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 3203 of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended by adding a definition to read:

9 § 3203. Definitions.

10 The following words and phrases when used in this chapter
11 shall have, unless the context clearly indicates otherwise, the
12 meanings given to them in this section:

13 * * *

14 "Down syndrome." A chromosome disorder associated with an
15 extra chromosome 21, in whole or in part, or an effective

1 trisomy for chromosome 21.

2 * * *

3 Section 2. Section 3204(c) and (d) of Title 18 are amended
4 to read:

5 § 3204. Medical consultation and judgment.

6 * * *

7 (c) Factors.--

8 (1) In determining in accordance with subsection (a) or
9 (b) whether an abortion is necessary, a physician's best
10 clinical judgment may be exercised in the light of all
11 factors (physical, emotional, psychological, familial and the
12 woman's age) relevant to the well-being of the woman. [No
13 abortion which]

14 (2) An abortion shall not be deemed a necessary abortion
15 if any of the following apply:

16 (i) The abortion is sought [solely] because of the
17 sex of the unborn child [shall be deemed a necessary
18 abortion].

19 (ii) The abortion is sought because the unborn child
20 receives a prenatal diagnosis of Down syndrome.

21 (d) Penalty.--[Any]

22 (1) Except as provided under paragraph (2), a person who
23 intentionally, knowingly or recklessly violates the
24 provisions of this section commits a felony of the third
25 degree, and any physician who violates the provisions of this
26 section is guilty of "unprofessional conduct" and his license
27 for the practice of medicine and surgery shall be [subject to
28 suspension or revocation] revoked in accordance with
29 procedures provided under the act of October 5, 1978

30 (P.L.1109, No.261), known as the Osteopathic Medical Practice

1 Act, the act of December 20, 1985 (P.L.457, No.112), known as
2 the Medical Practice Act of 1985, or their successor acts.

3 (2) A woman upon whom an abortion is performed or
4 induced or attempted to be performed in violation of the
5 provisions of this section shall not be guilty of any of the
6 following:

7 (i) Violating the provisions of this section.

8 (ii) Attempting to commit, conspiring to commit or
9 being complicit in committing a violation of the
10 provisions of this section.

11 Section 3. Section 3214(a) of Title 18 is amended by adding
12 a paragraph to read:

13 § 3214. Reporting.

14 (a) General rule.--For the purpose of promotion of maternal
15 health and life by adding to the sum of medical and public
16 health knowledge through the compilation of relevant data, and
17 to promote the Commonwealth's interest in protection of the
18 unborn child, a report of each abortion performed shall be made
19 to the department on forms prescribed by it. The report forms
20 shall not identify the individual patient by name and shall
21 include the following information:

22 * * *

23 (7.1) Written acknowledgment by the physician who
24 performed the abortion that the woman is not seeking the
25 abortion, in whole or in part, because of any of the
26 following:

27 (i) The sex of the unborn child.

28 (ii) A test result indicating Down syndrome in the
29 unborn child.

30 (iii) A prenatal diagnosis of Down syndrome in the

1 unborn child.

2 (iv) An indication that the unborn child has Down
3 syndrome.

4 * * *

5 Section 4. This act shall take effect in 60 days.