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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R.

To amend the Public Health Service Act to ensure that a woman seeking a chemical abortion is made aware of the risks involved, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. STUTZMAN introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Public Health Service Act to ensure that a woman seeking a chemical abortion is made aware of the risks involved, 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 “Chemical Abortion
5 Risk Awareness Act”.

6 **SEC. 2. CHEMICAL ABORTION RISK AWARENESS.**

7 The Public Health Service Act (42 U.S.C. 201 et
8 seq.) is amended by adding at the end the following:

1 **“TITLE XXXIV—CHEMICAL**
2 **ABORTION RISK AWARENESS**

3 **“SEC. 3401. DEFINITIONS.**

4 “In this title:

5 “(1) CHEMICAL ABORTION.—The term ‘chem-
6 ical abortion’—

7 “(A) means the use or prescription of an
8 abortion-inducing drug dispensed with the in-
9 tent to cause the death of the unborn child; and

10 “(B) does not include—

11 “(i) separation of the mother and her
12 embryo or fetus to prevent the mother’s
13 death or immediate irreversible bodily
14 harm if such death or harm cannot be
15 mitigated in any other way;

16 “(ii) treatment of ectopic or molar
17 pregnancy; and

18 “(iii) treatment of miscarriage.

19 “(2) CHEMICAL ABORTION PROVIDER.—The
20 term ‘chemical abortion provider’ means any person
21 licensed to perform a chemical abortion under appli-
22 cable Federal and State laws.

23 “(3) UNBORN CHILD.—The term ‘unborn child’
24 means a member of the species *Homo sapiens*, at
25 any stage of development prior to birth.

1 “(4) WOMAN.—The term ‘woman’ means a
2 human being with XX chromosomes.

3 **“SEC. 3402. CHEMICAL ABORTION RISK AWARENESS.**

4 “(a) REQUIREMENT OF COMPLIANCE BY PRO-
5 VIDERS.—Effective 30 days after the date of enactment
6 of this title, any chemical abortion provider receiving Fed-
7 eral funds, or working in, for, or on behalf of a medical
8 practice or company that receives Federal funds, who
9 knowingly performs or induces, or attempts to perform or
10 induce, any chemical abortion, shall comply with the re-
11 quirements of this title.

12 “(b) INFORMED CONSENT.—A chemical abortion
13 shall not knowingly be performed or induced, or be at-
14 tempted to be performed or induced, by a chemical abor-
15 tion provider referred to in subsection (a) unless the chem-
16 ical abortion provider, not later than 24 hours before the
17 chemical abortion—

18 “(1) provides to the woman, in both electronic
19 and paper form, a full Food and Drug Administra-
20 tion—approved product label for each abortion-induc-
21 ing drug to be used, with the ‘Warnings and Pre-
22 cautions’ and ‘Adverse Reactions’ sections of the
23 label (or such other similar sections) highlighted;

24 “(2) reads to the woman the full text of such
25 highlighted sections; and

1 “(3) receives confirmation from the woman in
2 writing that the requirements described in para-
3 graphs (1) and (2) have been fulfilled.

4 “(c) **IMPLEMENTATION PLAN.**—Not later than 30
5 days after the date of enactment of this title, a chemical
6 abortion provider referred to in subsection (a) (or the enti-
7 ty that such provider works in, for, or on behalf of) shall
8 submit to the Secretary a plan for implementing the re-
9 quirements of this title applicable to such provider.

10 **“SEC. 3403. WITHHOLDING OF FEDERAL FUNDING.**

11 “Notwithstanding any other law, in the case that a
12 chemical abortion provider is not in compliance with the
13 requirements of this title, the Secretary may withhold the
14 Federal funding of the chemical abortion provider, the en-
15 tity at which the chemical abortion provider is employed
16 or on behalf of which the chemical abortion provider per-
17 forms or induces chemical abortions, or both.

18 **“SEC. 3404. PRIVATE RIGHT OF ACTION.**

19 “(a) **IN GENERAL.**—A woman or a parent of a
20 woman upon whom an abortion has been performed or in-
21 duced, or attempted to be performed or induced, by a
22 chemical abortion provider in violation of this title may
23 commence a civil action against the chemical abortion pro-
24 vider for appropriate relief.

1 “(b) APPROPRIATE RELIEF.—Appropriate relief in a
2 civil action under this section includes—

3 “(1) objectively verifiable money damages for
4 all injuries, psychological and physical, occasioned by
5 the violation;

6 “(2) statutory damages equal to 3 times the
7 cost of the abortion; and

8 “(3) punitive damages.

9 “(c) ATTORNEY’S FEES FOR PLAINTIFF.—The court
10 shall award a reasonable attorney’s fee as part of the costs
11 to a prevailing plaintiff in a civil action under this section.

12 “(d) ATTORNEY’S FEES FOR DEFENDANT.—If a de-
13 fendant in a civil action under this section prevails, and
14 the court finds that the plaintiff’s suit was frivolous, the
15 court shall award a reasonable attorney’s fee in favor of
16 the defendant against the plaintiff.

17 “(e) AWARDS AGAINST WOMAN.—In any civil action
18 under this section, no damages or other monetary relief,
19 and no attorney’s fees except as provided in subsection
20 (d), may be assessed against the woman upon whom the
21 abortion was performed or induced or attempted to be per-
22 formed or induced.”.

23 **SEC. 3. PREEMPTION.**

24 Nothing in this Act or the amendment made by this
25 Act shall be construed to preempt any provision of State

1 law to the extent that such State law establishes, imple-
2 ments, or continues in effect disclosure requirements re-
3 garding abortion or penalties for failure to comply with
4 such requirements that are more extensive than those pro-
5 vided under the amendment made by this Act.

6 SEC. 4. SEVERABILITY.

7 If any provision of this Act or the amendment made
8 by this Act, or any application thereof, is found to be un-
9 constitutional, the remainder of this Act or the amend-
10 ment made by this Act, and any application thereof, shall
11 not be affected by such finding.