

S 1553

Pain-Capable Unborn Child Protection Act

Congress: 114 (2015–2017, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Jun 11, 2015

Current Status: Committee on the Judiciary. Hearings held.

Latest Action: Committee on the Judiciary. Hearings held. (Mar 15, 2016)

Official Text: <https://www.congress.gov/bill/114th-congress/senate-bill/1553>

Sponsor

Name: Sen. Graham, Lindsey [R-SC]

Party: Republican • **State:** SC • **Chamber:** Senate

Cosponsors (45 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Barrasso, John [R-WY]	R · WY		Jun 11, 2015
Sen. Blunt, Roy [R-MO]	R · MO		Jun 11, 2015
Sen. Boozman, John [R-AR]	R · AR		Jun 11, 2015
Sen. Burr, Richard [R-NC]	R · NC		Jun 11, 2015
Sen. Cassidy, Bill [R-LA]	R · LA		Jun 11, 2015
Sen. Coats, Daniel [R-IN]	R · IN		Jun 11, 2015
Sen. Cochran, Thad [R-MS]	R · MS		Jun 11, 2015
Sen. Corker, Bob [R-TN]	R · TN		Jun 11, 2015
Sen. Cornyn, John [R-TX]	R · TX		Jun 11, 2015
Sen. Cotton, Tom [R-AR]	R · AR		Jun 11, 2015
Sen. Crapo, Mike [R-ID]	R · ID		Jun 11, 2015
Sen. Cruz, Ted [R-TX]	R · TX		Jun 11, 2015
Sen. Daines, Steve [R-MT]	R · MT		Jun 11, 2015
Sen. Enzi, Michael B. [R-WY]	R · WY		Jun 11, 2015
Sen. Ernst, Joni [R-IA]	R · IA		Jun 11, 2015
Sen. Fischer, Deb [R-NE]	R · NE		Jun 11, 2015
Sen. Flake, Jeff [R-AZ]	R · AZ		Jun 11, 2015
Sen. Grassley, Chuck [R-IA]	R · IA		Jun 11, 2015
Sen. Hatch, Orrin G. [R-UT]	R · UT		Jun 11, 2015
Sen. Hoeven, John [R-ND]	R · ND		Jun 11, 2015
Sen. Inhofe, James M. [R-OK]	R · OK		Jun 11, 2015
Sen. Isakson, Johnny [R-GA]	R · GA		Jun 11, 2015
Sen. Johnson, Ron [R-WI]	R · WI		Jun 11, 2015
Sen. Lankford, James [R-OK]	R · OK		Jun 11, 2015
Sen. Lee, Mike [R-UT]	R · UT		Jun 11, 2015
Sen. McCain, John [R-AZ]	R · AZ		Jun 11, 2015
Sen. McConnell, Mitch [R-KY]	R · KY		Jun 11, 2015
Sen. Moran, Jerry [R-KS]	R · KS		Jun 11, 2015
Sen. Paul, Rand [R-KY]	R · KY		Jun 11, 2015
Sen. Perdue, David [R-GA]	R · GA		Jun 11, 2015
Sen. Portman, Rob [R-OH]	R · OH		Jun 11, 2015
Sen. Risch, James E. [R-ID]	R · ID		Jun 11, 2015
Sen. Roberts, Pat [R-KS]	R · KS		Jun 11, 2015
Sen. Rounds, Mike [R-SD]	R · SD		Jun 11, 2015
Sen. Rubio, Marco [R-FL]	R · FL		Jun 11, 2015
Sen. Sasse, Ben [R-NE]	R · NE		Jun 11, 2015
Sen. Scott, Tim [R-SC]	R · SC		Jun 11, 2015
Sen. Sessions, Jeff [R-AL]	R · AL		Jun 11, 2015
Sen. Shelby, Richard C. [R-AL]	R · AL		Jun 11, 2015
Sen. Sullivan, Dan [R-AK]	R · AK		Jun 11, 2015
Sen. Thune, John [R-SD]	R · SD		Jun 11, 2015

Cosponsor	Party / State	Role	Date Joined
Sen. Tillis, Thomas [R-NC]	R · NC		Jun 11, 2015
Sen. Toomey, Patrick [R-PA]	R · PA		Jun 11, 2015
Sen. Vitter, David [R-LA]	R · LA		Jun 11, 2015
Sen. Wicker, Roger F. [R-MS]	R · MS		Jun 11, 2015

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Hearings By (full committee)	Mar 15, 2016

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

No related bills are listed.

Pain-Capable Unborn Child Protection Act

Amends the federal criminal code to prohibit any person from performing or attempting to perform an abortion except in conformity with this Act's requirements.

Requires the physician to first determine the probable post-fertilization age of the unborn child. Prohibits an abortion from being performed if the probable post-fertilization age of the unborn child is 20 weeks or greater, except: (1) where necessary to save the life of a pregnant woman; (2) where the pregnancy is the result of rape against an adult woman and, at least 48 hours prior to the abortion, such woman has obtained counseling or medical treatment for the rape; or (3) where the pregnancy is the result of rape or incest against a minor and the rape or incest has been reported prior to the abortion to a law enforcement agency or a government agency. Requires the physician, prior to performing such an abortion, to place appropriate supporting documentation in the patient's medical file.

Permits a physician to terminate a pregnancy under such an exception only in the manner that provides the best opportunity for the unborn child to survive. Requires a physician performing an abortion under an exception provided by this Act, if the pain-capable unborn child has the potential to survive outside the womb, to ensure that a second physician trained in neonatal resuscitation is present and prepared to provide care to the child. Makes such requirements and the requirement to obtain an informed consent form inapplicable if compliance would pose a greater risk of the death or the substantial and irreversible physical impairment of a major bodily function of the pregnant woman.

Requires, when a physician performs or attempts an abortion in accordance with this Act and the child is born alive, that:

- any health care practitioner present at the time humanely exercise the same professional skill, care, and diligence to preserve the life and health of the child as would be exercised for a child born alive at the same gestational age in the course of a natural birth;
- the child be immediately transported and admitted to a hospital; and
- a health care practitioner or any employee of a hospital, a physician's office, or an abortion clinic who has knowledge of a failure to comply with these requirements immediately report the failure to an appropriate state or federal law enforcement agency.

Requires the physician who intends to perform an abortion under one of this Act's exceptions to first obtain a signed informed consent authorization form, which shall consist of:

- a statement by the physician indicating the probable post-fertilization age of the unborn child;
- a statement that federal law allows an abortion after 20 weeks fetal age only if the mother's life is endangered when the pregnancy was the result of rape or incest against a minor;
- a statement that the abortion must be performed by the method most likely to allow the child to be born alive unless this would cause significant risk to the mother;
- a statement that in any case in which an abortion procedure results in a child born alive, federal law requires that child to be given every form of medical assistance that is provided to children spontaneously born prematurely;
- a statement that these requirements are binding upon the physician and all other medical personnel who are subject to criminal and civil penalties and that a woman on whom an abortion has been performed may take civil action if these requirements are not followed; and
- affirmation that each signer has filled out the informed consent form and understands the information contained in

the form.

Requires the form to be: (1) signed in person by the woman seeking the abortion, the physician performing the abortion, and a witness; and (2) retained in the patient's medical file for six years from the later of the date of its creation or the date when it last was in effect.

Makes this Act's requirements for the exception, where the pregnancy is the result of rape against an adult woman, that the woman has obtained counseling or medical treatment for the rape at least 48 hours prior to the abortion inapplicable if the rape has been reported prior to the abortion to a law enforcement agency or Department of Defense victim assistance personnel.

Requires a physician who performs an abortion under an exception provided by this Act to comply with: (1) state laws regarding reporting requirements in cases of rape or incest as the state's Attorney General may designate, and (2) any applicable state laws requiring parental involvement in a minor's decision to have an abortion.

Bars prosecution of a woman upon whom an abortion is performed in violation of this Act for violating or conspiring to violate this Act.

Authorizes: (1) a woman upon whom an abortion has been performed in violation of this Act to obtain specified appropriate relief in a civil action, and (2) a parent of a minor upon whom an abortion has been performed under an exception and that was performed in violation of this Act to obtain such relief unless the pregnancy resulted from the plaintiff's criminal conduct.

Requires any physician who performs an abortion under this Act's exceptions to annually submit a summary of all such abortions to the National Center for Health Statistics, which shall issue a public report annually providing statistics by state for the previous year.

Defines "abortion" to mean the use or prescription of any instrument, medicine, drug, or any other substance or device: (1) to intentionally kill an unborn child of a woman known to be pregnant; or (2) to intentionally terminate a pregnancy, with an intention other than to produce a live birth and preserve the life and health of the child after viability or to remove a dead unborn child.

Actions Timeline

- **Mar 15, 2016:** Committee on the Judiciary. Hearings held. Hearings printed: S.Hrg. 114-879.
- **Mar 15, 2016:** Committee on the Judiciary. Hearings held.
- **Jun 11, 2015:** Introduced in Senate
- **Jun 11, 2015:** Read twice and referred to the Committee on the Judiciary.