

S 204

Born-Alive Abortion Survivors Protection Act

Congress: 118 (2023–2025, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Feb 1, 2023

Current Status: Read twice and referred to the Committee on the Judiciary. (Sponsor introductory remarks on measure:

Latest Action: Read twice and referred to the Committee on the Judiciary. (Sponsor introductory remarks on measure:

CR S205-206; text: CR S206) (Feb 1, 2023)

Official Text: <https://www.congress.gov/bill/118th-congress/senate-bill/204>

Sponsor

Name: Sen. Thune, John [R-SD]

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

Cosponsors (43 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Barrasso, John [R-WY]	R · WY		Feb 1, 2023
Sen. Cotton, Tom [R-AR]	R · AR		Feb 1, 2023
Sen. Hyde-Smith, Cindy [R-MS]	R · MS		Feb 1, 2023
Sen. Johnson, Ron [R-WI]	R · WI		Feb 1, 2023
Sen. Lankford, James [R-OK]	R · OK		Feb 1, 2023
Sen. Marshall, Roger [R-KS]	R · KS		Feb 1, 2023
Sen. Moran, Jerry [R-KS]	R · KS		Feb 1, 2023
Sen. Risch, James E. [R-ID]	R · ID		Feb 1, 2023
Sen. Rubio, Marco [R-FL]	R · FL		Feb 1, 2023
Sen. Sullivan, Dan [R-AK]	R · AK		Feb 1, 2023
Sen. Crapo, Mike [R-ID]	R · ID		Feb 2, 2023
Sen. Hoeven, John [R-ND]	R · ND		Feb 2, 2023
Sen. Scott, Rick [R-FL]	R · FL		Feb 2, 2023
Sen. Young, Todd [R-IN]	R · IN		Feb 2, 2023
Sen. Britt, Katie Boyd [R-AL]	R · AL		Feb 7, 2023
Sen. Cruz, Ted [R-TX]	R · TX		Feb 7, 2023
Sen. Lummis, Cynthia M. [R-WY]	R · WY		Feb 7, 2023
Sen. Mullin, Markwayne [R-OK]	R · OK		Feb 7, 2023
Sen. Vance, J. D. [R-OH]	R · OH		Feb 7, 2023
Sen. Blackburn, Marsha [R-TN]	R · TN		Feb 9, 2023
Sen. Budd, Ted [R-NC]	R · NC		Feb 9, 2023
Sen. Boozman, John [R-AR]	R · AR		Feb 13, 2023
Sen. Braun, Mike [R-IN]	R · IN		Feb 14, 2023
Sen. Cornyn, John [R-TX]	R · TX		Feb 14, 2023
Sen. Fischer, Deb [R-NE]	R · NE		Feb 14, 2023
Sen. Tillis, Thomas [R-NC]	R · NC		Feb 14, 2023
Sen. Romney, Mitt [R-UT]	R · UT		Feb 16, 2023
Sen. Rounds, Mike [R-SD]	R · SD		Feb 16, 2023
Sen. Hawley, Josh [R-MO]	R · MO		Feb 28, 2023
Sen. Graham, Lindsey [R-SC]	R · SC		Mar 14, 2023
Sen. Wicker, Roger F. [R-MS]	R · MS		Apr 20, 2023
Sen. Ricketts, Pete [R-NE]	R · NE		May 17, 2023
Sen. Cassidy, Bill [R-LA]	R · LA		May 30, 2023
Sen. Daines, Steve [R-MT]	R · MT		Sep 5, 2023
Sen. Hagerty, Bill [R-TN]	R · TN		Sep 13, 2023
Sen. Scott, Tim [R-SC]	R · SC		Sep 14, 2023
Sen. Grassley, Chuck [R-IA]	R · IA		Oct 4, 2023
Sen. Lee, Mike [R-UT]	R · UT		Oct 4, 2023
Sen. Kennedy, John [R-LA]	R · LA		Oct 17, 2023
Sen. Schmitt, Eric [R-MO]	R · MO		Oct 17, 2023
Sen. Cramer, Kevin [R-ND]	R · ND		Dec 14, 2023

Cosponsor	Party / State	Role	Date Joined
Sen. McConnell, Mitch [R-KY]	R · KY		Dec 14, 2023
Sen. Tuberville, Tommy [R-AL]	R · AL		Mar 21, 2024

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Feb 1, 2023

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
118 HR 26	Related bill	Jan 25, 2023: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 2.

Summary (as of Feb 1, 2023)

Born-Alive Abortion Survivors Protection Act

This bill establishes requirements for the degree of care a health care practitioner must provide in the case of a child born alive following an abortion or attempted abortion.

Specifically, a health care practitioner who is present must (1) exercise the same degree of care as would reasonably be provided to any other child born alive at the same gestational age, and (2) ensure the child is immediately admitted to a hospital. Additionally, a health care practitioner or other employee who has knowledge of a failure to comply with the degree-of-care requirements must immediately report such failure to law enforcement.

A health care practitioner who fails to provide the required degree of care, or a health care practitioner or other employee who fails to report such failure, is subject to criminal penalties—a fine, up to five years in prison, or both.

An individual who intentionally kills or attempts to kill a child born alive is subject to prosecution for murder.

The bill bars the criminal prosecution of a mother of a child born alive under this bill and allows her to bring a civil action against a health care practitioner or other employee for violations.

Actions Timeline

- **Feb 1, 2023:** Introduced in Senate
- **Feb 1, 2023:** Read twice and referred to the Committee on the Judiciary. (Sponsor introductory remarks on measure: CR S205-206; text: CR S206)

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