

107TH CONGRESS  
1ST SESSION

# H. R. 3243

To prohibit late-term abortions.

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 7, 2001

Mr. EDWARDS introduced the following bill; which was referred to the  
Committee on Energy and Commerce

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## A BILL

To prohibit late-term abortions.

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 “Late Term Abortion  
5 Ban Act of 2001”.

6 **SEC. 2. PROHIBITED ACTS INVOLVING ABORTION; DIS-**  
7 **CIPLINARY PROVISIONS; REPORTING.**

8 (a) DEFINITIONS.—In this section:

9 (1) The term “abortion” means an act involving  
10 the use of an instrument, medicine, drug, or other  
11 substance or device developed to terminate the preg-  
12 nancy of a woman if the act is done with an inten-

1       tion other than to increase the probability of a live  
2       birth of the unborn child of the woman, to preserve  
3       the life or health of the child, or to remove a dead  
4       fetus.

5           (2) The term “physician” means an individual  
6       licensed to practice medicine.

7           (3) The term “viable” means the stage of fetal  
8       development when, in the good faith medical judg-  
9       ment of the attending physician based on the par-  
10      ticular facts of the case, an unborn child possesses  
11      the capacity to live outside its mother’s womb after  
12      its premature birth resulting from any cause.

13          (4) The term “State” includes the District of  
14      Columbia, Puerto Rico, and any other territory or  
15      possession of the United States.

16      (b) PROHIBITION.—Except as provided by subsection  
17 (d), a person may not intentionally or knowingly perform  
18 an abortion on a woman who is pregnant with a viable  
19 unborn child during the third trimester of the pregnancy.

20      (c) SANCTION.—Each State shall enact appropriate  
21 legislation to assure that the body having authority over  
22 the licensing of physicians in that State may take any ap-  
23 propriate disciplinary action against a physician who vio-  
24 lates subsection (b) of this section. The board may refuse  
25 to admit to examination or refuse to issue a license or

1 renewal license to a person who violates subsection (b) of  
2 this section.

3 (d) EXCEPTION.—Subsection (b) does not prohibit a  
4 person from performing an abortion if at the time of the  
5 abortion the person is a physician and concludes in good  
6 faith according to the physician’s best medical judgment—

7 (1) that the pregnancy is not in the third tri-  
8 mester; or

9 (2) that the abortion is necessary to prevent the  
10 death or a substantial risk of serious impairment to  
11 the physical or mental health of the woman.

12 (e) CERTIFICATION.—A physician who performs an  
13 abortion that, according to the physician’s best medical  
14 judgment at the time of the abortion, is to abort a viable  
15 unborn child during the third trimester of the pregnancy  
16 shall certify in writing to a State agency designated by  
17 State law, in such manner as that agency shall prescribe,  
18 the medical indications supporting the physician’s judg-  
19 ment that the abortion was authorized by subsection  
20 (d)(2). The certification must be made on or before the  
21 30th day after the date the abortion was performed.

22 **SEC. 3. EFFECTIVE DATE.**

23 This Act takes effect January 1, 2002, and applies  
24 only to an abortion performed on or after that date.

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