

108TH CONGRESS
1ST SESSION

H. R. 679

To prohibit certain late term abortions.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2003

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

A BILL

To prohibit certain 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 2003”.

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, 2004, and applies
24 only to an abortion performed on or after that date.

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