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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 321 Session of  
2019

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INTRODUCED BY KLUNK, TURZAI, BARRAR, BERNSTINE, BOBACK,  
BOROWICZ, BROOKS, BROWN, BURNS, CAUSER, COOK, COX, SCHLEGEL  
CULVER, CUTLER, DAY, DIAMOND, DOWLING, DUNBAR, DUSH, ECKER,  
EMRICK, EVERETT, FEE, FRITZ, GILLEN, GILLESPIE, GLEIM,  
GREGORY, GREINER, GROVE, HAHN, HEFFLEY, HELM, HENNESSEY,  
HERSHEY, HICKERNELL, IRVIN, JAMES, JONES, JOZWIAK, KAIL,  
KAUFFMAN, KEEFER, M. K. KELLER, KNOWLES, KULIK, LAWRENCE,  
LEWIS, MALONEY, MARSHALL, MASSER, MEHAFFIE, MENTZER,  
METCALFE, MILLARD, B. MILLER, MOUL, MURT, NELSON, NESBIT,  
O'NEAL, OBERLANDER, ORTITAY, OWLETT, PEIFER, PICKETT, RADER,  
RAPP, READSHAW, REESE, RIGBY, ROAE, ROTHMAN, RYAN, SANKEY,  
SAYLOR, SCHEMEL, SCHMITT, STAATS, STRUZZI, TOPPER, WALSH,  
WARNER, WENTLING, WHEELAND AND ZIMMERMAN, APRIL 15, 2019

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REFERRED TO COMMITTEE ON HEALTH, APRIL 15, 2019

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in abortion, further providing for  
3 definitions and for medical consultation and judgment.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Section 3203 of Title 18 of the Pennsylvania  
7 Consolidated Statutes is amended by adding a definition to read:

8 § 3203. Definitions.

9 The following words and phrases when used in this chapter  
10 shall have, unless the context clearly indicates otherwise, the  
11 meanings given to them in this section:

12 \* \* \*

13 "Down syndrome." A chromosome disorder associated with an

1 extra chromosome 21, in whole or in part, or an effective  
2 trisomy for chromosome 21.

3 \* \* \*

4 Section 2. Section 3204(c) of Title 18 is amended to read:

5 § 3204. Medical consultation and judgment.

6 \* \* \*

7 (c) Factors.--

8 (1) In determining in accordance with subsection (a) or  
9 (b) whether an abortion is necessary, a physician's best  
10 clinical judgment may be exercised in the light of all  
11 factors (physical, emotional, psychological, familial and the  
12 woman's age) relevant to the well-being of the woman. [No  
13 abortion which]

14 (2) Except as provided under paragraph (3), an abortion  
15 shall not be deemed a necessary abortion if any of the  
16 following apply:

17 (i) The abortion is sought [solely] because of the  
18 sex of the unborn child [shall be deemed a necessary  
19 abortion].

20 (ii) The abortion is sought because the unborn child  
21 receives a prenatal diagnosis of Down syndrome.

22 (3) Paragraph (2) does not apply if any of the following  
23 apply:

24 (i) The unborn child was conceived as the result of  
25 rape or incest.

26 (ii) The abortion is required because of a medical  
27 emergency.

28 \* \* \*

29 Section 3. This act shall take effect in 60 days.