

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2463 Session of
2024

INTRODUCED BY SHUSTERMAN, HOWARD, KHAN, KINSEY, VENKAT, PROBST,
SANCHEZ, GIRAL, SIEGEL, HILL-EVANS, PIELLI, HOHENSTEIN,
SCHLOSSBERG, KINKEAD, HANBIDGE, WAXMAN, BOYD AND OTTEN,
JUNE 28, 2024

REFERRED TO COMMITTEE ON HEALTH, JUNE 28, 2024

AN ACT

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

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

6 Section 1. Sections 3204(b) and (c) and 3205(a) of Title 18
7 of the Pennsylvania Consolidated Statutes are amended to read:

8 § 3204. Medical consultation and judgment.

9 * * *

10 [(b) Requirements.--Except in a medical emergency where
11 there is insufficient time before the abortion is performed, the
12 woman upon whom the abortion is to be performed shall have a
13 private medical consultation either with the physician who is to
14 perform the abortion or with the referring physician. The
15 consultation will be in a place, at a time and of a duration
16 reasonably sufficient to enable the physician to determine
17 whether, based on his best clinical judgment, the abortion is

1 necessary.]

2 (c) Factors.--In determining in accordance with subsection

3 (a) [or (b)] whether an abortion is necessary, a physician's

4 best clinical judgment may be exercised in the light of all

5 factors (physical, emotional, psychological, familial and the

6 woman's age) relevant to the well-being of the woman. No

7 abortion which is sought solely because of the sex of the unborn

8 child shall be deemed a necessary abortion.

9 * * *

10 § 3205. Informed consent.

11 (a) General rule.--No abortion shall be performed or induced

12 except with the voluntary and informed consent of the woman upon

13 whom the abortion is to be performed or induced. [Except in the

14 case of a medical emergency, consent to an abortion is voluntary

15 and informed if and only if:

16 (1) At least 24 hours prior to the abortion, the

17 physician who is to perform the abortion or the referring

18 physician has orally informed the woman of:

19 (i) The nature of the proposed procedure or

20 treatment and of those risks and alternatives to the

21 procedure or treatment that a reasonable patient would

22 consider material to the decision of whether or not to

23 undergo the abortion.

24 (ii) The probable gestational age of the unborn

25 child at the time the abortion is to be performed.

26 (iii) The medical risks associated with carrying her

27 child to term.

28 (2) At least 24 hours prior to the abortion, the

29 physician who is to perform the abortion or the referring

30 physician, or a qualified physician assistant, health care

1 practitioner, technician or social worker to whom the
2 responsibility has been delegated by either physician, has
3 informed the pregnant woman that:

4 (i) The department publishes printed materials which
5 describe the unborn child and list agencies which offer
6 alternatives to abortion and that she has a right to
7 review the printed materials and that a copy will be
8 provided to her free of charge if she chooses to review
9 it.

10 (ii) Medical assistance benefits may be available
11 for prenatal care, childbirth and neonatal care, and that
12 more detailed information on the availability of such
13 assistance is contained in the printed materials
14 published by the department.

15 (iii) The father of the unborn child is liable to
16 assist in the support of her child, even in instances
17 where he has offered to pay for the abortion. In the case
18 of rape, this information may be omitted.

19 (3) A copy of the printed materials has been provided to
20 the pregnant woman if she chooses to view these materials.

21 (4) The pregnant woman certifies in writing, prior to
22 the abortion, that the information required to be provided
23 under paragraphs (1), (2) and (3) has been provided.]

24 * * *

25 Section 2. This act shall take effect in 60 days.