

118TH CONGRESS
1ST SESSION

H. R. 5806

To amend title 18, United States Code, to prohibit chemical abortions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2023

Mr. OGLEs (for himself, Mrs. HARSHBARGER, Mr. DUNCAN, Mr. WEBER of Texas, Mrs. MILLER of Illinois, Mr. MOORE of Alabama, Mr. KELLY of Mississippi, Mr. GOSAR, Mr. ARRINGTON, Mr. CRENSHAW, Mr. CLYDE, Mr. ALLEN, Mr. SELF, and Mr. ADERHOLT) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit chemical abortions, and for other purposes.

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 “Ending Chemical
5 Abortions Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) In 2000, the Food and Drug Administra-
9 tion approved chemical abortion drugs for use in the

1 United States. The agency illegally categorized preg-
2 nancy as an illness and asserted chemical abortion
3 drugs provide a meaningful therapeutic benefit.

4 (2) In 2016, the Food and Drug Administra-
5 tion reduced the number of doctor visits required for
6 administration of chemical abortion drugs from 3
7 visits to 1 visit. The agency also removed the re-
8 quirement for both the in-person administration of
9 misoprostol and a subsequent follow-up appointment.
10 At this time, the agency also expanded the avail-
11 ability of inducing a chemical abortion from 7 to 10
12 weeks.

13 (3) In 2021, the Food and Drug Administra-
14 tion eliminated the in-person dispensing requirement
15 for chemical abortion drugs, purporting to allow
16 these drugs to be dispensed by mail in violation of
17 longstanding Federal law.

18 (4) When compared to surgical abortions, chem-
19 ical abortions are consistently more likely to result
20 in complications that are miscoded as a spontaneous
21 abortion or “miscarriage”.

22 (5) According to the Guttmacher Institute, the
23 Abortion Industry’s think tank, since 2000, the ad-
24 ministration of mifepristone and misoprostol has

1 grown to comprise over 50 percent of all induced
2 abortions in the United States.

3 (6) There is a four times higher risk of experi-
4 encing complications due to a chemical abortion than
5 a surgical abortion.

6 **SEC. 3. RENAMING CHAPTER 74 OF TITLE 18, UNITED**
7 **STATES CODE.**

8 The table of chapters for part I of title 18, United
9 States Code, is amended by striking the item related to
10 chapter 74 and inserting the following:

“74. Abortion crimes.”

11 **SEC. 4. CHEMICAL ABORTIONS PROHIBITED.**

12 (a) IN GENERAL.—Chapter 74 of title 18, United
13 States Code, is amended by inserting after section 1531
14 the following:

15 **“§ 1532. Chemical abortions**

16 “(a) PROHIBITION.—Notwithstanding any other pro-
17 vision of law, whoever prescribes, dispenses, distributes,
18 or sells, any drug, medication, or chemical for the purpose
19 of procuring or performing an abortion on any woman,
20 shall be imprisoned for not more than 25 years, fined
21 under this title, or both.

22 “(b) EXCEPTIONS.—Subsection (a) shall not apply to
23 any of the following:

24 “(1) The sale, use, prescription or administra-
25 tion of any contraceptive agent administered before

1 conception or before pregnancy can be confirmed
2 through conventional testing.

3 “(2) The treatment of a miscarriage according
4 to medical guidelines as accepted as of the date of
5 the miscarriage.

6 “(3) In the case where a woman suffers from
7 a physical disorder, physical injury, or physical ill-
8 ness, including a life-endangering physical condition
9 caused by or arising from the pregnancy itself, that
10 would, as certified by a physician, place the woman
11 in danger of death.

12 “(c) BAR TO PROSECUTION.—A woman upon whom
13 a chemical abortion is performed or attempted may not
14 be criminally prosecuted under this section.

15 “(d) DEFINITIONS.—In this section:

16 “(1) ABORTION.—The term ‘abortion’ means
17 intentionally terminating the pregnancy of a woman
18 known to be pregnant, with an intention other
19 than—

20 “(A) to produce a live birth;

21 “(B) to remove a dead unborn child caused
22 by miscarriage; or

23 “(C) to treat an ectopic or molar preg-
24 nancy.

1 “(2) PREGNANT; PREGNANCY.—The term ‘preg-
2 nant’ or ‘pregnancy’ refers to the human female re-
3 productive condition of having a living unborn child
4 within her body throughout the entire embryonic and
5 fetal stages from fertilization to full gestation and
6 childbirth.

7 “(3) UNBORN CHILD.—The term ‘unborn child’
8 means an individual organism of the species homo
9 sapiens, beginning at fertilization, until the point of
10 being born alive as defined in section 8(b) of title 1,
11 United States Code.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 for chapter 74 of title 18, United States Code, is amended
14 by inserting after the item relating to section 1531 the
15 following:

“1532. Chemical abortions.”.

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