

117TH CONGRESS
1ST SESSION

H. R. 552

To ensure that a woman seeking a chemical abortion is informed that it may be possible to reverse the intended effects of the abortion if the woman changes her mind, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2021

Mr. LAMBORN (for himself, Mr. PFLUGER, Mr. ALLEN, Mr. DUNCAN, Mr. WITTMAN, Mr. NORMAN, Mr. BABIN, Mr. KELLY of Pennsylvania, Mr. BUDD, Mr. GROTHMAN, Mr. MOONEY, Mr. BAIRD, Mr. FLEISCHMANN, Mr. BANKS, Mr. LUETKEMEYER, Mr. ROGERS of Alabama, Mr. MURPHY of North Carolina, Mr. HUIZENGA, Mr. ESTES, Mr. JORDAN, Mr. LAMALFA, Mr. CAWTHORN, Mr. WEBER of Texas, Mr. GIBBS, Mr. KELLY of Mississippi, Mr. JOYCE of Pennsylvania, Mrs. HARSHBARGER, Mr. WRIGHT, Mr. SMUCKER, Mr. WENSTRUP, Mr. WESTERMAN, Mr. LATTA, Mr. BACON, Mr. RUTHERFORD, Mr. WILLIAMS of Texas, Mr. CARL, Mrs. LESKO, Mr. MOORE of Alabama, Mr. GAETZ, Mr. GOOD of Virginia, Mr. HARRIS, Mr. MOOLENAAR, Mr. MCHENRY, Mr. GUEST, Mr. ROSENDALE, Ms. HERRELL, Mr. BILIRAKIS, Mr. C. SCOTT FRANKLIN of Florida, Mr. LATURNER, Mr. HERN, Mr. KUSTOFF, Mr. RESCHENTHALER, Mr. JOHNSON of Louisiana, Mr. HICE of Georgia, Mr. BIGGS, Mrs. BOEBERT, Mr. CLOUD, Mr. WILSON of South Carolina, Mr. STEUBE, Mr. JACKSON, and Mr. MAST) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To ensure that a woman seeking a chemical abortion is informed that it may be possible to reverse the intended effects of the abortion if the woman changes her mind, 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 “Second Chance at Life
5 Act of 2021”.

6 **SEC. 2. ABORTION PILL REVERSAL INFORMED CONSENT.**

7 The Public Health Service Act (42 U.S.C. 201 et
8 seq.) is amended by adding at the end the following:

9 **“TITLE XXXIV—ABORTION PILL**
10 **REVERSAL INFORMED CONSENT**

11 **“SEC. 3401. DEFINITIONS.**

12 “In this title:

13 “(1) ABORTION PROVIDER.—The term ‘abortion
14 provider’ means any person licensed to perform a
15 chemical abortion under applicable Federal and
16 State laws.

17 “(2) CHEMICAL ABORTION.—The term ‘chem-
18 ical abortion’ means the use or prescription of an
19 abortion-inducing drug dispensed with the intent to
20 cause the death of the unborn child.

21 “(3) UNBORN CHILD.—The term ‘unborn child’
22 means a member of the species homo sapiens, at any
23 stage of development prior to birth.

1 “(4) WOMAN.—The term ‘woman’ means a fe-
2 male human being whether or not she has reached
3 the age of majority.

4 **“SEC. 3402. ABORTION PILL REVERSAL INFORMED CON-**
5 **SENT.**

6 “(a) REQUIREMENT OF COMPLIANCE BY PRO-
7 VIDERS.—Effective 30 days after the date of enactment
8 of the Second Chance at Life Act of 2021, any abortion
9 provider in or affecting interstate or foreign commerce,
10 who knowingly performs any chemical abortion, shall com-
11 ply with the requirements of this title.

12 “(b) INFORMED CONSENT.—Except in the case of a
13 medical emergency described in section 3403, a chemical
14 abortion involving the two drug process of dispensing
15 mifepristone first and then misoprostol shall not be per-
16 formed or induced or attempted to be performed or in-
17 duced without the following:

18 “(1) The woman is informed, by telephone or in
19 person, by the physician who is to perform the
20 chemical abortion, by a referring physician, or by an
21 agent of either physician at least 24 hours before
22 the chemical abortion, that—

23 “(A) it may be possible to reverse the in-
24 tended effects of a mifepristone-induced chem-

1 ical abortion if the woman changes her mind
2 but that time is of the essence; and

3 “(B) information on and assistance with
4 reversing the effects of a mifepristone-induced
5 chemical abortion is available on the website of
6 the Department of Health and Human Services
7 required by section 3405(b).

8 “(2) After the first drug involved in the two
9 drug process is dispensed in a mifepristone-induced
10 chemical abortion, the physician shall provide writ-
11 ten medical discharge instructions to the pregnant
12 woman which must include the statement:

13 “‘Recent developing research has indicated that
14 mifepristone alone is not always effective in ending a preg-
15 nancy. It may be possible to avoid, cease, or even to re-
16 verse the intended effects of a mifepristone-induced chem-
17 ical abortion if the second pill has not been taken. Please
18 consult with a health care professional immediately.’.

19 **“SEC. 3403. EXCEPTION FOR MEDICAL EMERGENCIES.**

20 “(a) EXCEPTION.—The provisions of section 3402
21 shall not apply in the case where a woman suffers from
22 a physical disorder, physical injury, or physical illness that
23 would, as certified by a physician, place the woman in dan-
24 ger of death unless an abortion is performed, including

1 a life-endangering physical condition caused by or arising
2 from the pregnancy itself.

3 “(b) CERTIFICATION.—Upon a determination by an
4 abortion provider under subsection (a) that an abortion
5 is necessary to save the life of a mother, such provider
6 shall include in the medical file of the pregnant woman
7 a truthful and accurate certification of the specific medical
8 circumstances that support such determination.

9 **“SEC. 3404. SIGN POSTING.**

10 “(a) POSTING.—Any private office, freestanding sur-
11 gical outpatient clinic or other facility, or clinic in which
12 chemical abortions, other than abortions necessary in the
13 case of a medical emergency described in section 3403,
14 are performed shall conspicuously post a sign (in a loca-
15 tion as described in subsection (c) so as to be clearly visi-
16 ble to patients) which reads:

17 “‘Research has indicated that mifepristone alone is
18 not always effective in ending a pregnancy and that its
19 effects can be blocked or reversed if the second pill has
20 not yet been taken. If you change your mind prior to tak-
21 ing the second pill and desire to attempt to save your preg-
22 nancy, consult with a health care professional imme-
23 diately.’.

24 “(b) LETTERING; SIZE.—The sign required by sub-
25 section (a) shall be printed with lettering that is—

1 “(1) legible; and

2 “(2) at least three quarters of an inch boldfaced
3 type.

4 “(c) LOCATIONS.—A facility in which chemical abor-
5 tions are performed that is a private office or a free-
6 standing surgical outpatient clinic shall post the sign re-
7 quired by subsection (a) in each patient waiting room and
8 patient consultation room used by patients on whom chem-
9 ical abortions are performed. A hospital or any other facil-
10 ity in which chemical abortions are performed that is not
11 a private office or freestanding surgical outpatient clinic
12 shall post the required sign in each patient admission area
13 used by patients on whom chemical abortions are per-
14 formed.

15 **“SEC. 3405. PRINTED INFORMATION AND WEBSITE.**

16 “(a) IN GENERAL.—The Secretary shall publish, in
17 English and in each language which is the primary lan-
18 guage of 2 percent or more of the population of any State,
19 and shall cause to be available on the website required by
20 subsection (b), the following printed materials in such a
21 way as to ensure that the information is easily comprehen-
22 sible:

23 “(1) Materials designed to inform the woman of
24 the possibility of reversing the effects of a chemical

1 abortion utilizing mifepristone if she changes her
2 mind.

3 “(2) Materials on the assistance and resources
4 that may be available to help reverse the effects of
5 a chemical abortion.

6 “(b) WEBSITE.—Not later than 30 days after the
7 date of enactment of the Second Chance at Life Act of
8 2021, the Secretary shall develop and maintain a website
9 to provide the information described in subsection (a) in
10 accordance with the following:

11 “(1) No information regarding who uses the
12 website shall be collected or maintained.

13 “(2) The Secretary shall monitor on a regular
14 basis the website to prevent and correct tampering.

15 “(3) The website shall be maintained at a min-
16 imum resolution of 70 DPI (dots per inch).

17 “(4) All pictures appearing on the website shall
18 be a minimum of 200x300 pixels.

19 “(5) All letters on the website shall be a min-
20 imum of 12 point font.

21 “(6) All information and pictures on the
22 website shall be accessible with an industry standard
23 browser, requiring no additional plug-ins.

1 **“SEC. 3406. CIVIL REMEDIES.**

2 “(a) CIVIL SUITS FOR VIOLATION.—Except as pro-
3 vided in subsection (b), any of the following parties may
4 bring a civil action before the appropriate Federal district
5 court for actual and punitive damages against an abortion
6 provider who knowingly or recklessly performed or at-
7 tempted to perform a chemical abortion in violation of this
8 title:

9 “(1) A person upon whom such a chemical
10 abortion has been performed or attempted.

11 “(2) A father of an unborn child who is the
12 subject of such a chemical abortion.

13 “(3) A parent of a person upon whom such a
14 chemical abortion has been performed or attempted
15 if such person had not attained 18 years of age at
16 the time of such abortion or if such person died as
17 the result of such abortion.

18 “(b) BARRING SUIT.—A plaintiff may not bring a
19 civil action under subsection (a) if a chemical abortion is
20 performed or attempted with respect to a pregnancy that
21 is the result of the plaintiff’s criminal conduct.

22 “(c) ATTORNEY’S FEE.—If a party described in para-
23 graph (1), (2), or (3) of subsection (a) is the prevailing
24 party in an action under this section, the court shall award
25 a reasonable attorney’s fee to such party. If a defendant
26 is the prevailing party in an action under this section, and

1 the court finds that such action was frivolous or brought
2 in bad faith, the court shall award a reasonable attorney's
3 fee to the defendant.''.
4

4 **SEC. 3. PREEMPTION.**

5 Nothing in this Act or the amendment made by this
6 Act shall be construed to preempt any provision of State
7 law to the extent that such State law establishes, imple-
8 ments, or continues in effect disclosure requirements re-
9 garding abortion or penalties for failure to comply with
10 such requirements that are more extensive than those pro-
11 vided under the amendment made by this Act.

12 **SEC. 4. SEVERABILITY.**

13 If any provision of this Act, or any application there-
14 of, is found to be unconstitutional, the remainder of this
15 Act and any application thereof shall not be affected by
16 such finding.

○