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Omitted text is enclosed in black brackets, new matter is proposed in italics, and existing law in which no change is proposed is shown in roman. Typesetting and stylistic characteristics, particularly in the headings and indentations, may not conform to how the proposed text, if adopted, would be executed in current law. This comparative print may not illustrate changes to tables of contents if the legislative text is proposing such a change(s).

**TITLE 18, UNITED STATES CODE**

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**PART I—CRIMES**

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**CHAPTER 74—[PARTIAL-BIRTH ABORTIONS] ABORTIONS**

Sec. 1531. Partial-birth abortions prohibited.

1532. Requirements pertaining to born-alive abortion survivors.

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§ 1532. Requirements pertaining to born-alive abortion survivors

(a) **Requirements for Health Care Practitioners.**—In the case of an abortion or attempted abortion that results in a child born alive (as defined in section 8 of title 1, United States Code (commonly known as the “Born-Alive Infants Protection Act”)):

(1) **Degree of Care Required; Immediate Admission to a Hospital.**—Any health care practitioner present at the time the child is born alive shall—

(A) exercise the same degree of professional skill, care, and diligence to preserve the life and health of the child as a reasonably diligent and conscientious health care practitioner would render to any other child born alive at the same gestational age; and

(B) following the exercise of skill, care, and diligence required under subparagraph (A), ensure that the child born alive is immediately transported and admitted to a hospital.

(2) **Mandatory Reporting of Violations.**—A health care practitioner or any employee of a hospital, a physician’s office, or an abortion clinic who has knowledge of a failure to comply with the requirements of paragraph (1) shall immediately report the failure to an appropriate State or Federal law enforcement agency, or to both.

(b) **Penalties.**—

(1) **In General.**—Whoever violates subsection (a) shall be fined under this title or imprisoned for not more than 5 years, or both.

(2) **Intentional Killing of Child Born Alive.**—Whoever intentionally performs or attempts to perform an overt act that kills a child born alive described under subsection (a), shall be punished as under section 1111 of this title for intentionally killing or attempting to kill a human being.

(c) **Bar to Prosecution.**—The mother of a child born alive described under subsection (a) may not be prosecuted under this section, for conspiracy to violate this section, or for an offense under section 3 or 4 of this title based on such a violation.

(d) **Civil Remedies.**—

(1) **Civil Action by a Woman on Whom an Abortion is Performed.**—If a child is born alive and there is a violation of subsection (a), the woman upon whom the abortion was per-
formed or attempted may, in a civil action against any person who committed the violation, obtain appropriate relief.

(2) APPROPRIATE RELIEF.—Appropriate relief in a civil action under this subsection includes—

(A) objectively verifiable money damage for all injuries, psychological and physical, occasioned by the violation of subsection (a);

(B) statutory damages equal to 3 times the cost of the abortion or attempted abortion; and

(C) punitive damages.

(3) ATTORNEY’S FEE FOR PLAINTIFF.—The court shall award a reasonable attorney’s fee to a prevailing plaintiff in a civil action under this subsection.

(4) ATTORNEY’S FEE FOR DEFENDANT.—If a defendant in a civil action under this subsection prevails and the court finds that the plaintiff’s suit was frivolous, the court shall award a reasonable attorney’s fee in favor of the defendant against the plaintiff.

(e) DEFINITIONS.—In this section the following definitions apply:

(1) ABORTION.—The term “abortion” means the use or prescription of any instrument, medicine, drug, or any other substance or device—

(A) to intentionally kill the unborn child of a woman known to be pregnant; or

(B) to intentionally terminate the pregnancy of a woman known to be pregnant, with an intention other than—

(i) after viability, to produce a live birth and preserve the life and health of the child born alive; or

(ii) to remove a dead unborn child.

(2) ATTEMPT.—The term “attempt”, with respect to an abortion, means conduct that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in performing an abortion.