

**AMENDMENT TO H.R. 4712**  
**OFFERED BY MR. KING OF IOWA**

Add at the end of the bill the following:

1 **SEC. 4. ABORTIONS PROHIBITED WITHOUT A CHECK FOR**  
2 **FETAL HEARTBEAT, OR IF A FETAL HEART-**  
3 **BEAT IS DETECTABLE.**

4 Chapter 74 of title 18, United States Code, as  
5 amended by this Act, is further amended—

6 (1) by inserting after section 1532 the fol-  
7 lowing:

8 **“§ 1533. Abortions prohibited without a check for**  
9 **fetal heartbeat, or if a fetal heartbeat is**  
10 **detectable**

11 “(a) OFFENSE.—Any physician who knowingly per-  
12 forms an abortion and thereby kills a human fetus—

13 “(1) without determining, according to stand-  
14 ard medical practice, whether the fetus has a detect-  
15 able heartbeat;

16 “(2) without informing the mother of the re-  
17 sults of that determination; or

18 “(3) after determining, according to standard  
19 medical practice, that the fetus has a detectable  
20 heartbeat,

1 shall be fined under this title or imprisoned not more than  
2 5 years, or both. This subsection does not apply to an  
3 abortion that is necessary to save the life of a mother  
4 whose life is endangered by a physical disorder, physical  
5 illness, or physical injury, including a life-endangering  
6 physical condition caused by or arising from the pregnancy  
7 itself, but not including psychological or emotional condi-  
8 tions.

9       “(b) DEFENDANT MAY SEEK HEARING.—A defend-  
10 ant indicted for an offense under this section may seek  
11 a hearing before the State Medical Board on whether the  
12 physician’s conduct was necessary to save the life of the  
13 mother whose life was endangered by a physical disorder,  
14 physical illness, or physical injury, including a life-endan-  
15 gering physical condition caused by or arising from the  
16 pregnancy itself, but not including psychological or emo-  
17 tional conditions. The findings on that issue are admissible  
18 on that issue at the trial of the defendant. Upon a motion  
19 of the defendant, the court shall delay the beginning of  
20 the trial for not more than 30 days to permit such a hear-  
21 ing to take place.

22       “(c) NO LIABILITY FOR THE MOTHER ON WHOM  
23 ABORTION IS PERFORMED.—A mother upon whom an  
24 abortion is performed may not be prosecuted under this  
25 section, for a conspiracy to violate this section, or for an

1 offense under section 2, 3, or 4 of this title based on a  
2 violation of this section.

3 “(d) REQUIREMENT FOR DATA RETENTION.—The  
4 physician shall include in the medical file of the mother  
5 documentation of the determination, according to stand-  
6 ard medical practice, of whether the fetus has a detectable  
7 heartbeat, the results of that determination, notification  
8 of the mother of those results, and any information en-  
9 tered into evidence in any proceedings under subsection  
10 (b). Paragraph (j)(2) of section 164.530 of title 45, Code  
11 of Federal Regulations, shall apply to such documentation.

12 “(e) SEVERABILITY.—If any provision of this section  
13 or the application of such provision to any person or cir-  
14 cumstance is held to be invalid, the remainder of this sec-  
15 tion and the application of the provisions of the remainder  
16 to any person or circumstance shall not be affected there-  
17 by.”; and

18 (2) in the table of sections, by inserting after  
19 the item pertaining to section 1532 the following:

“1533. Abortions prohibited without a check for fetal heartbeat, or if a fetal  
heartbeat is detectable.”.

