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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend title 18, United States Code, to establish Federal penalties for the knowing and intentional administration of any abortion-inducing drug to a woman without her informed consent, if the abortion-inducing drug has been shipped or transported in interstate commerce, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MESSMER introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 18, United States Code, to establish Federal penalties for the knowing and intentional administration of any abortion-inducing drug to a woman without her informed consent, if the abortion-inducing drug has been shipped or transported in interstate commerce, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Forced Abortion Pre-
3 vention and Accountability Act”.

4 **SEC. 2. PROTECTING VICTIMS OF FORCED ABORTIONS.**

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

8 **“§ 1532. Forced abortions prohibited**

9 “(a) IN GENERAL.—Except as provided in subsection
10 (c), whoever, in or affecting interstate or foreign com-
11 merce, knowingly and intentionally administers to a preg-
12 nant woman an abortion-inducing drug without the in-
13 formed consent of the woman shall be fined under this
14 title, imprisoned not more than 25 years, or both.

15 “(b) ATTEMPTS AND CONSPIRACIES.—Whoever at-
16 tempts or conspires to commit an offense under subsection
17 (a) shall be subject to the same penalties as those pre-
18 scribed for the offense.

19 “(c) DUAL PENALTY.—If the non-consensual admin-
20 istration of an abortion-inducing drug as described in sub-
21 section (a) results in serious bodily injury or death to the
22 woman to whom the abortion-inducing drug was adminis-
23 tered, the offender shall be fined under this title, impris-
24 oned for not more than 25 years in addition to any term
25 of imprisonment under subsection (a), or both.

26 “(d) CIVIL REMEDY.—

1 “(1) IN GENERAL.—A woman who was admin-
2 istered an abortion-inducing drug in violation of sub-
3 section (a) may, in a civil action against any person
4 who administered the abortion-inducing drug, at-
5 tempted to administer the abortion-inducing drug, or
6 conspired to commit an offense described in sub-
7 section (a) or (b), obtain appropriate relief in ac-
8 cordance with paragraph (2).

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

11 “(A) objectively verifiable money damages
12 for all injuries, psychological and physical, occa-
13 sioned by the violation;

14 “(B) statutory damages equal to 3 times
15 the cost of all injuries occasioned by the viola-
16 tion; and

17 “(C) punitive damages.

18 “(3) ATTORNEY’S FEES FOR PLAINTIFF.—The
19 court shall award a reasonable attorney’s fee as part
20 of the costs to a prevailing plaintiff in a civil action
21 under this subsection.

22 “(4) ATTORNEY’S FEES FOR DEFENDANT.—If a
23 defendant in a civil action under this subsection pre-
24 vails and the court finds that the plaintiff’s suit was
25 frivolous, the court shall award a reasonable attor-

1 ney's fee in favor of the defendant against the plain-
2 tiff.

3 “(e) DEFINITIONS.—In this section:

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

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

9 “(B) to intentionally terminate the preg-
10 nancy of a woman known to be pregnant, with
11 an intention other than—

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

15 “(ii) to remove a dead unborn child.

16 “(2) ABORTION-INDUCING DRUG.—The term
17 ‘abortion-inducing drug’ means any drug, medicine,
18 or substance prescribed, dispensed, or administered
19 with the intent to cause an abortion, including
20 mifepristone or misoprostol.

21 “(3) CONSPIRES TO COMMIT AN OFFENSE.—
22 The term ‘conspires to commit an offense’ includes
23 selling, sending by shipping or mailing, or giving an
24 abortion-inducing drug without taking reasonable
25 measures to ensure the individual requesting the

1 drug is a pregnant woman wishing to obtain an
2 abortion.

3 “(4) INFORMED CONSENT.—The term ‘in-
4 formed consent’ means voluntary, knowing agree-
5 ment by a woman to ingest an abortion-inducing
6 drug, given after being fully informed of the nature,
7 purpose, risks, and potential consequences of the use
8 of the abortion-inducing drug.

9 “(5) SERIOUS BODILY INJURY.—The term ‘seri-
10 ous bodily injury’ has the meaning given the term in
11 section 1365.

12 “(6) UNBORN CHILD.—The term ‘unborn child’
13 has the meaning given the term in section 1841.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 for chapter 74 of title 18, United States Code, is amended
16 by adding at the end the following:

“1532. Forced abortions prohibited.”.

17 (c) CHAPTER HEADING AMENDMENTS.—

18 (1) CHAPTER HEADING IN CHAPTER.—The
19 chapter heading for chapter 74 of title 18, United
20 States Code, is amended by striking “**PARTIAL-**
21 **BIRTH ABORTIONS**” and inserting “**ABOR-**
22 **TIONS**”.

23 (2) TABLE OF CHAPTERS FOR PART I.—The
24 item relating to chapter 74 in the table of chapters
25 at the beginning of part I of title 18, United States

- 1 Code, is amended by striking “**Partial-birth**
- 2 **abortions**” and inserting “**Abortions**”.