

119TH CONGRESS  
1ST SESSION

# H. R. 682

To amend title 18, United States Code, to prohibit abortion in cases where a fetal heartbeat is detectable.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2025

Mr. KELLY of Pennsylvania (for himself, Mr. SMITH of New Jersey, Mr. ADERHOLT, Mr. CRENSHAW, Mrs. MILLER of Illinois, Mr. BURCHETT, Mr. ESTES, Mr. WEBER of Texas, Mr. BAIRD, Mr. MOOLENAAR, Mr. WEBSTER of Florida, Mr. GUTHRIE, Mr. HUDSON, Mr. EZELL, Mr. ALLEN, Mr. FALLON, Mr. CRANE, Mr. JOHNSON of South Dakota, Mr. FLEISCHMANN, Mr. BOST, Mr. LAHOOD, Mr. KELLY of Mississippi, Mr. AUSTIN SCOTT of Georgia, Mr. FEENSTRA, Mr. BILIRAKIS, Mr. THOMPSON of Pennsylvania, Mr. GROTHMAN, Mr. MOORE of Alabama, Ms. TENNEY, Mr. FULCHER, Mr. MANN, and Mr. GUEST) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to prohibit abortion in cases where a fetal heartbeat is detectable.

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 “Heartbeat Protection  
5 Act of 2025”.

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

4 (a) ABORTIONS PROHIBITED WITHOUT A CHECK  
5 FOR FETAL HEARTBEAT, OR IF A FETAL HEARTBEAT IS  
6 DETECTABLE.—Chapter 74 of title 18, United States  
7 Code, is amended—

8 (1) in the chapter heading, by striking “**PAR-**  
9 **TIAL-BIRTH**”;

10 (2) by inserting after section 1531 the fol-  
11 lowing:

12 “§ 1532. **Abortions prohibited without a check for**  
13 **fetal heartbeat, or if a fetal heartbeat is**  
14 **detectable**

15 “(a) OFFENSE.—Any physician who knowingly per-  
16 forms an abortion and thereby kills a human unborn  
17 child—

18 “(1) without determining, according to stand-  
19 ard medical practice, whether the unborn child has  
20 a detectable heartbeat;

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

23 “(3) after determining, according to standard  
24 medical practice, that the unborn child has a detect-  
25 able 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) EXCEPTIONS.—Subsection (a) shall not apply  
10 if—

11 “(1) in reasonable medical judgment, the abor-  
12 tion is necessary to save the life of a pregnant  
13 woman whose life is endangered by a physical dis-  
14 order, physical illness, or physical injury, including  
15 a life-endangering physical condition caused by or  
16 arising from the pregnancy itself, but not including  
17 psychological or emotional conditions;

18 “(2) the pregnancy is the result of rape against  
19 an adult woman, and at least 48 hours prior to the  
20 abortion—

21 “(A) she has obtained counseling for the  
22 rape; or

23 “(B) she has obtained medical treatment  
24 for the rape or an injury related to the rape; or

1           “(3) the pregnancy is a result of rape against  
2 a minor or incest against a minor, and the rape or  
3 incest has been reported at any time prior to the  
4 abortion to either—

5                   “(A) a government agency legally author-  
6 ized to act on reports of child abuse; or

7                   “(B) a law enforcement agency.

8           “(c) DOCUMENTATION REQUIREMENTS.—

9                   “(1) DOCUMENTATION PERTAINING TO  
10 ADULTS.—A physician who performs or attempts to  
11 perform an abortion under an exception provided by  
12 subsection (b)(2) shall, prior to performing the abor-  
13 tion, place in the patient medical file documentation  
14 from a hospital licensed by the State or operated  
15 under authority of a Federal agency, a medical clinic  
16 licensed by the State or operated under authority of  
17 a Federal agency, from a personal physician licensed  
18 by the State, a counselor licensed by the State, or  
19 a victim’s rights advocate provided by a law enforce-  
20 ment agency that the adult woman seeking the abor-  
21 tion obtained medical treatment or counseling for  
22 the rape or an injury related to the rape.

23                   “(2) DOCUMENTATION PERTAINING TO MI-  
24 NORS.—A physician who performs or attempts to  
25 perform an abortion under an exception provided by

1 subsection (b)(3) shall, prior to performing the abor-  
2 tion, place in the patient medical file documentation  
3 from a government agency legally authorized to act  
4 on reports of child abuse that the rape or incest was  
5 reported prior to the abortion; or, as an alternative,  
6 documentation from a law enforcement agency that  
7 the rape or incest was reported prior to the abortion.

8 “(d) REQUIREMENT FOR DATA RETENTION.—Para-  
9 graph (j)(2) of section 164.530 of title 45, Code of Federal  
10 Regulations, shall apply to documentation required to be  
11 placed in a patient’s medical file pursuant to paragraph  
12 (6) of such section and a consent form required to be re-  
13 tained in a patient’s medical file pursuant to paragraph  
14 (7) of such section in the same manner and to the same  
15 extent as such paragraph applies to documentation re-  
16 quired by paragraph (j)(1) of such section.

17 “(e) ADDITIONAL EXCEPTIONS AND REQUIRE-  
18 MENTS.—

19 “(1) EXCLUSION OF CERTAIN FACILITIES.—  
20 Notwithstanding the definitions set forth in sub-  
21 section (j), the counseling described in subsection  
22 (b)(2)(A) and subsection (c)(1) or medical treatment  
23 may not be provided by a facility that performs  
24 abortions (unless that facility is a hospital).

1           “(2) RULE OF CONSTRUCTION IN CASES OF RE-  
2           PORTS TO LAW ENFORCEMENT.—The requirements  
3           of subsection (b)(2) do not apply if the rape has  
4           been reported at any time prior to the abortion to  
5           a law enforcement agency or Department of Defense  
6           victim assistance personnel.

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

20          “(g) NO LIABILITY FOR THE MOTHER ON WHOM  
21          ABORTION IS PERFORMED.—A mother upon whom an  
22          abortion is performed may not be prosecuted under this  
23          section, for a conspiracy to violate this section, or for an  
24          offense under section 2, 3, or 4 of this title based on a  
25          violation of this section.

1       “(h) REQUIREMENT FOR DATA RETENTION.—The  
2 physician shall include in the medical file of the mother  
3 documentation of the determination, according to stand-  
4 ard medical practice, of whether the unborn child has a  
5 detectable heartbeat, the results of that determination, no-  
6 tification of the mother of those results, and any informa-  
7 tion entered into evidence in any proceedings under sub-  
8 section (b). Paragraph (j)(2) of section 164.530 of title  
9 45, Code of Federal Regulations, shall apply to such docu-  
10 mentation.

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

17       “(j) DEFINITIONS.—In this section:

18               “(1) The term ‘counseling’ means counseling  
19 provided by a counselor licensed by the State, or a  
20 victims rights advocate provided by a law enforce-  
21 ment agency.

22               “(2) The term ‘medical treatment’ means treat-  
23 ment provided at a hospital licensed by the State or  
24 operated under authority of a Federal agency, at a  
25 medical clinic licensed by the State or operated

1 under authority of a Federal agency, or from a per-  
2 sonal physician licensed by the State.

3 “(3) The term ‘abortion’ means the use or pre-  
4 scription of any instrument, medicine, drug, or any  
5 other substance or device—

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

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

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

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

15 “(4) The term ‘attempt’, with respect to an  
16 abortion, means conduct that, under the cir-  
17 cumstances as the actor believes them to be, con-  
18 stitutes a substantial step in a course of conduct  
19 planned to culminate in performing an abortion.

20 “(5) The term ‘facility’ means any medical or  
21 counseling group, center or clinic and includes the  
22 entire legal entity, including any entity that controls,  
23 is controlled by, or is under common control with  
24 such facility.

1           “(6) The term ‘perform’, with respect to an  
2           abortion, includes inducing an abortion through a  
3           medical or chemical intervention including writing a  
4           prescription for a drug or device intended to result  
5           in an abortion.

6           “(7) The term ‘physician’ means a person li-  
7           censed to practice medicine and surgery or osteo-  
8           pathic medicine and surgery, or otherwise legally au-  
9           thorized to perform an abortion.

10          “(8) The term ‘reasonable medical judgment’  
11          means a medical judgment that would be made by  
12          a reasonably prudent physician, knowledgeable about  
13          the case and the treatment possibilities with respect  
14          to the medical conditions involved.

15          “(9) The term ‘unborn child’ means an indi-  
16          vidual organism of the species homo sapiens, begin-  
17          ning at fertilization, until the point of being born  
18          alive as defined in section 8(b) of title 1.

19          “(10) The term ‘woman’ means a female  
20          human being whether or not she has reached the age  
21          of majority.

22          “(k) RULES OF CONSTRUCTION.—

23          “(1) GREATER PROTECTIONS.—Nothing in this  
24          section may be construed to pre-empt or limit any  
25          Federal, State, or local law that provides greater

1       protections for an unborn child than those provided  
2       in this section.

3               “(2) CREATION OF RECOGNITION OF RIGHT.—  
4       Nothing in this section may be construed to create  
5       or recognize a right to abortion or to make lawful  
6       an abortion that is unlawful on the effective date of  
7       this section.”; and

8               (3) in the table of sections, by inserting after  
9       the item pertaining to section 1841 the following:

      “1532. Abortions prohibited without a check for fetal heartbeat, or if a fetal  
          heartbeat is detectable.”.

10       (b) CLERICAL AMENDMENT.—The table of chapters  
11       for part I of title 18, United States Code, is amended,  
12       in the item relating to chapter 74, to read as follows:

      “74. Abortions ..... 1531”.

