

119TH CONGRESS
1ST SESSION

H. R. 797

To ensure that women seeking an abortion are notified, before giving informed consent to receive an abortion, of the medical risks associated with the abortion procedure and the major developmental characteristics of the unborn child.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2025

Mrs. MILLER of Illinois (for herself, Mr. BABIN, Mr. FINSTAD, Mr. RUTHERFORD, Mr. MOORE of Alabama, Mr. MOORE of West Virginia, Mr. OGLES, Mr. WEBSTER of Florida, Ms. TENNEY, Mr. SELF, Mr. HARRIS of Maryland, and Mr. WEBER of Texas) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To ensure that women seeking an abortion are notified, before giving informed consent to receive an abortion, of the medical risks associated with the abortion procedure and the major developmental characteristics of the unborn child.

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 “Ultrasounds Save
5 Lives Act of 2025”.

1 **SEC. 2. REQUIREMENT OF INFORMED CONSENT.**

2 (a) IN GENERAL.—

3 (1) REQUIREMENT OF COMPLIANCE BY PRO-
4 VIDERS.—Any abortion provider, acting in or affect-
5 ing interstate or foreign commerce, who knowingly
6 performs, or attempts to perform, any abortion shall
7 comply with the requirements of this section.

8 (2) REVIEW OF MEDICAL RISKS AND UNBORN
9 HEALTH STATUS.—Except in the case of a medical
10 emergency, an abortion provider who intends to per-
11 form, or attempt to perform, an abortion may not
12 perform any part of the abortion procedure without
13 first—

14 (A) performing an ultrasound on the
15 woman seeking the abortion, using whichever
16 method the physician and patient agree is best
17 under the circumstance, and sharing the results
18 of such ultrasound with the woman; and

19 (B) obtaining a signed Informed Consent
20 Authorization form in accordance with this sub-
21 section.

22 (3) INFORMED CONSENT AUTHORIZATION
23 FORM.—

24 (A) IN GENERAL.—The Informed Consent
25 Authorization form required under this sub-
26 section shall—

1 (i) be presented in person by the abor-
2 tion provider 24 hours prior to performing,
3 or attempting to perform, the abortion to
4 the woman seeking the abortion; and

5 (ii) consist of—

6 (I) a statement by the abortion
7 provider indicating—

8 (aa) the probable gestational
9 age, in completed days, of the
10 child;

11 (bb) all medical risks associ-
12 ated with abortion-inducing
13 drugs or the specific abortion
14 procedure; and

15 (cc) the major developmental
16 characteristics of unborn children
17 at such gestational age, including
18 the presence of a heartbeat, the
19 ability to react to painful stimuli,
20 and the development of organs,
21 appendages, and facial features;

22 (II) a statement by the abortion
23 provider that an ultrasound has been
24 performed, and the results of such

1 ultrasound have been shared, as re-
2 quired by paragraph (2)(A);

3 (III) a statement that the re-
4 quirements of this subsection are
5 binding upon the abortion provider
6 and all other medical personnel, that
7 such abortion providers and medical
8 personnel are subject to criminal and
9 civil penalties for violations of these
10 requirements, and that a woman on
11 whom an abortion has been performed
12 may take civil action if these require-
13 ments are not followed; and

14 (IV) an affirmation that each in-
15 dividual signing the Informed Consent
16 Authorization form has filled out the
17 form to the best of his or her knowl-
18 edge and understands the information
19 contained in the form.

20 (B) SIGNATORIES REQUIRED.—The In-
21 formed Consent Authorization form required
22 under this subsection shall be signed in person
23 by the woman seeking the abortion, the abor-
24 tion provider performing or attempting to per-
25 form the abortion, and a witness.

1 (C) RETENTION OF CONSENT FORM.—The
2 abortion provider performing or attempting to
3 perform an abortion shall retain the signed In-
4 formed Consent Authorization form required
5 under this subsection in the patient’s medical
6 file.

7 (D) REQUIREMENT FOR DATA RETEN-
8 TION.—Paragraph (j)(2) of section 164.530 of
9 title 45, Code of Federal Regulations, shall
10 apply to the Informed Consent Authorization
11 form required to be placed in a patient’s med-
12 ical file pursuant to subparagraph (C) in the
13 same manner and to the same extent as such
14 paragraph applies to documentation required by
15 paragraph (j)(1) of such section.

16 (4) EXCEPTIONS.—The requirements of this
17 subsection shall not apply if, in reasonable medical
18 judgment, compliance with paragraph (2) would pose
19 a greater risk of—

20 (A) the death of the pregnant woman; or

21 (B) the substantial and irreversible phys-
22 ical impairment of a major bodily function, not
23 including psychological or emotional conditions,
24 of the pregnant woman.

25 (b) PENALTY FOR FAILURE TO COMPLY.—

1 (1) CIVIL PENALTY.—

2 (A) ENFORCEMENT BY ATTORNEY GEN-
3 ERAL.—The Attorney General shall commence
4 a civil action in an appropriate district court of
5 the United States under this subsection against
6 any abortion provider who knowingly commits a
7 violation of subsection (a).

8 (B) PENALTY.—In a civil action under
9 subparagraph (A), the court may, to vindicate
10 the public interest, assess a civil penalty against
11 the abortion provider in an amount—

12 (i) not less than \$100,000 and not
13 more than \$150,000, for each such viola-
14 tion that is adjudicated in the first pro-
15 ceeding against such abortion provider
16 under this subsection; or

17 (ii) not less than \$150,001 and not
18 more than \$250,000, for each such viola-
19 tion that is adjudicated in a subsequent
20 proceeding against such abortion provider
21 under this subsection.

22 (C) NOTIFICATION.—Upon the assessment
23 of a civil penalty under subparagraph (B), the
24 Attorney General shall notify the appropriate
25 State medical licensing authority.

1 (D) NO PENALTIES FOR PREGNANT
2 WOMEN.—A pregnant woman shall not be sub-
3 ject to any penalty under this section.

4 (2) PRIVATE RIGHT OF ACTION.—

5 (A) IN GENERAL.—A woman or a parent
6 of a minor upon whom an abortion has been
7 performed in violation of subsection (a) may
8 commence a civil action against the abortion
9 provider for appropriate relief.

10 (B) APPROPRIATE RELIEF.—

11 (i) IN GENERAL.—Subject to clause
12 (ii), appropriate relief in a civil action
13 under this paragraph includes—

14 (I) objectively verifiable money
15 damages for all injuries, psychological
16 and physical, occasioned by the viola-
17 tion;

18 (II) statutory damages equal to 3
19 times the cost of the abortion; and

20 (III) punitive damages.

21 (ii) EXCEPTION.—No damages may
22 be awarded to a plaintiff in a civil action
23 under this paragraph if the pregnancy in
24 relation to which an abortion was per-
25 formed in violation of subsection (a) re-

1 sulted from the plaintiff's criminal con-
2 duct.

3 (C) ATTORNEY'S FEES FOR PLAINTIFF.—

4 The court shall award a reasonable attorney's
5 fee as part of the costs to a prevailing plaintiff
6 in a civil action under this paragraph.

7 (D) ATTORNEY'S FEES FOR DEFEND-
8 ANT.—If a defendant in a civil action under
9 this paragraph prevails and the court finds that
10 the plaintiff's suit was frivolous, the court shall
11 award a reasonable attorney's fee in favor of
12 the defendant against the plaintiff.

13 (E) AWARDS AGAINST WOMAN.—In any
14 civil action under this paragraph, no damages
15 or other monetary relief, and no attorney's fees
16 except as provided under subparagraph (D),
17 may be assessed against the woman upon whom
18 the abortion was performed or attempted.

19 (c) PREEMPTION.—Nothing in this section shall be
20 construed to preempt any provision of State law to the
21 extent that such State law establishes, implements, or con-
22 tinues in effect disclosure requirements regarding abortion
23 or penalties for failure to comply with such requirements
24 that are more extensive than those provided under this
25 section.

1 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
 2 tion shall be construed to prohibit an abortion provider
 3 from presenting the information required under subsection
 4 (a) to a pregnant woman at the same time as acquiring
 5 informed consent for an abortion from such woman in ac-
 6 cordance with State law, provided that the presentation
 7 of such information occurs at least 24 hours before the
 8 abortion.

9 (e) DEFINITIONS.—In this section:

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

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

15 (B) to intentionally terminate the preg-
 16 nancy of a woman known to be pregnant, with
 17 an intention other than—

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

21 (ii) to remove a dead unborn child.

22 (2) ABORTION PROVIDER.—The term “abortion
 23 provider” means a person—

24 (A) licensed to practice medicine and sur-
 25 gery or osteopathic medicine and surgery; or

1 (B) otherwise legally authorized to perform
2 an abortion.

3 (3) ATTEMPT.—The term “attempt”, with re-
4 spect to an abortion, means conduct that, under the
5 circumstances as the actor believes them to be, con-
6 stitutes a substantial step in a course of conduct
7 planned to culminate in performing an abortion.

8 (4) MINOR.—The term “minor” means an indi-
9 vidual who has not attained the age of 18 years.

10 (5) PERFORM.—The term “perform”, with re-
11 spect to an abortion, includes inducing an abortion
12 through a medical or chemical intervention including
13 writing a prescription for a drug or device intended
14 to result in an abortion.

15 (6) REASONABLE MEDICAL JUDGMENT.—The
16 term “reasonable medical judgment” means a med-
17 ical judgment that would be made by a reasonably
18 prudent abortion provider, knowledgeable about the
19 case and the treatment possibilities with respect to
20 the medical conditions involved.

21 (7) UNBORN CHILD.—The term “unborn child”
22 means an individual organism of the species homo
23 sapiens, beginning at fertilization, until the point of
24 being born alive as defined in section 8(b) of title 1,
25 United States Code.

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

