

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 24, 1989

SESSION OF 1989

173D OF THE GENERAL ASSEMBLY

No. 65

HOUSE OF REPRESENTATIVES

The House convened at 11 a.m., e.d.t.

THE SPEAKER (JAMES J. MANDERINO) IN THE CHAIR PRAYER

REV. CLYDE W. ROACH, Chaplain of the House of Representatives, from Harrisburg, Pennsylvania, offered the following prayer:

Let us pray:

Gracious God our Father, enable us to have a closer walk with You as we proceed with the business of this House. Be with us in this chamber and as we move through the corridors; be our unseen guest in our committee meetings and our caucuses; be at our side when others are pressuring us to do only their will.

Remind us that he who would be greatest among us must be servant of all and that before we are legislators, we are servants elected to serve Your people with dignity and honor. Guide us in our deliberations, and direct us in our actions; lead us through our valleys, and uphold us with Your righteousness.

Grant that we will never waiver in our commitment to You and Your people.

In Your dear name we pray. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by members and visitors.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, we will postpone until printed the approval of the Journal dated Monday, October 23, 1989. The Speaker hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2037 By Representative ROBINSON

An Act amending the act of March 7, 1901 (P. L. 20, No. 14), referred to as the "Second Class City Law," authorizing the city controller to audit accounts of authorities within cities of the second class.

Referred to Committee on URBAN AFFAIRS, October 24, 1989.

No. 2038 By Representatives KOSINSKI, WOZNIAK, COLE, PISTELLA, STABACK, BILLOW, OLASZ, JOSEPHS, TRELLO, JAROLIN, PESCI, RITTER, VEON, PRESSMANN, LEVDANSKY, CIVERA, WOGAN, GEIST, NOYE, DEMPSEY, JACKSON, FARGO, JADLOWIEC, FLEAGLE, NAILOR, MOEHLMANN, B. SMITH, SCHULER, BUNT, BIRMELIN, FAIRCHILD, GODSHALL, S. H. SMITH and KENNEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, exempting certain convictions from the surcharge requirements.

Referred to Committee on TRANSPORTATION, October 24, 1989.

No. 2039 By Representatives COLAFELLA, CALTAGIRONE, NOYE, COY, BATTISTO, STABACK, MORRIS, MELIO, JOHNSON, CIVERA, BELARDI, TIGUE, BELFANTI, SCHEETZ, FAIRCHILD, CARLSON, BILLOW, RITTER, PESCI, DEMPSEY, GODSHALL, FARGO, PISTELLA, GIGLIOTTI, OLASZ, PRESTON, TRELLO, KOSINSKI, COLAIZZO, JAMES and BUNT

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing penalties for certain theft offenses committed during man-made disasters, natural disasters or war-caused disasters.

Referred to Committee on JUDICIARY, October 24, 1989.

No. 2040 By Representatives DISTLER, COLAIZZO, FARGO, McVERRY, TRICH, MERRY, S. H. SMITH, E. Z. TAYLOR and JADLOWIEC

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," restricting electioneering within a specified distance of a building in which a polling place is located.

Referred to Committee on STATE GOVERNMENT, October 24, 1989.

No. 2041 By Representatives DISTLER, JADLOWIEC, MORRIS, McVERRY, DIETTERICK, GEIST, NOYE, FARGO, S. H. SMITH, WOZNIAK, SCHULER, MERRY, HESS, NAHILL, SAURMAN, JOHNSON and TRELLO

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for certain exclusions from the surcharges levied to fund the Catastrophic Loss Benefits Continuation Fund.

Referred to Committee on APPROPRIATIONS, October 24, 1989.

No. 2042 By Representatives ARGALL and ALLEN

An Act amending the act of June 13, 1907 (P. L. 560, No. 373), entitled "An act designating the official flag of the Commonwealth of Pennsylvania, and describing the same; providing for the carrying of such flag by the regiments of the National Guard of Pennsylvania; authorizing the Secretary of the Commonwealth to provide, and have deposited in the office of Secretary of the Commonwealth, a model of said flag, and making an appropriation therefor," requiring the word "Pennsylvania" to appear on the flag of the Commonwealth.

Referred to Committee on STATE GOVERNMENT, October 24, 1989.

No. 2043 By Representatives McCALL, TIGUE, B. D. CLARK and MAYERNIK

An Act amending the act of April 28, 1937 (P. L. 417, No. 105), known as the "Milk Marketing Law," eliminating milk marketing areas.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, October 24, 1989.

No. 2044 By Representative McCALL

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for creditable non-school service.

Referred to Committee on EDUCATION, October 24, 1989.

No. 2045 By Representatives MOWERY, TRELLO, NOYE, FARGO, COLAIZZO, JACKSON, GRUPPO, TRICH, CLYMER, HERSHEY, SCHEETZ, FOX, CIVERA, PRESTON, GEIST, KENNEY, STABACK, BARLEY, PHILLIPS, E. Z. TAYLOR, SAURMAN, BIRMELIN and JOHNSON

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," prohibiting the sale of liquor and malt and brewed beverages at certain functions held by institutes of post secondary education.

Referred to Committee on LIQUOR CONTROL, October 24, 1989.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 222 By Representatives COLAFELLA, COWELL, D. R. WRIGHT, MILLER, E. Z. TAYLOR, DeWEESE, BURNS and FREIND

Commemorating the 25th Anniversary of the Pennsylvania Higher Education Assistance Agency; and designating the week of November 12 through 18, 1989, as Pennsylvania Higher Education Assistance Agency Week.

Referred to Committee on RULES, October 24, 1989.

No. 223
(Concurrent) By Representative McCALL

Recognizing the Carbon County Unit of the Pennsylvania Conservation Corps on its receipt of the National Association of Service and Conservation Corps Exemplary Project Award.

Referred to Committee on RULES, October 24, 1989.

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bills for concurrence:

SB 814, PN 1626

Referred to Committee on CONSERVATION, October 24, 1989.

SB 851, PN 1627

Referred to Committee on STATE GOVERNMENT, October 24, 1989.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, Robert O'Donnell from Philadelphia.

Mr. O'DONNELL. Mr. Speaker, I move that the following bills, which are presently on the tabled calendar, be removed from the table and placed on the active calendar:

HB 1011;
HB 1764;
HB 1769;
HB 1811;
HB 1842;
HB 1943; and
SB 682.

On the question,
Will the House agree to the motion?
Motion was agreed to.

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1997, PN 2608**, entitled:

An Act amending the act of August 24, 1961 (P. L. 1135, No. 508), referred to as the "First Class A School District Earned Income Tax Act," further providing for powers and duties of treasurer and for interest and penalties.

On the question,
Will the House agree to the bill on second consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 1997 be recommended to the Appropriations Committee for a fiscal note.

On the question,
Will the House agree to the motion?
Motion was agreed to.

* * *

The House proceeded to second consideration of **HB 221, PN 2658**, entitled:

An Act relating to mental health; authorizing county programs; providing for the continuation or establishment of facilities and programs to care and provide services for persons with mental illness; imposing additional powers upon the counties; and making repeals.

On the question,
Will the House agree to the bill on second consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 221 be recommended to the Appropriations Committee for a fiscal note.

On the question,
Will the House agree to the motion?
Motion was agreed to.

* * *

The following bill, having been called up, was considered for the second time and agreed to, and ordered transcribed for third consideration:

SB 522, PN 546.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 265, PN 297**, entitled:

An Act amending the act of March 7, 1901 (P. L. 20, No. 14), referred to as the "Second Class City Law," further providing for contracts.

On the question,
Will the House agree to the bill on third consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 265 be recommended to the Urban Affairs Committee.

On the question,
Will the House agree to the motion?
Motion was agreed to.

WELCOMES

The SPEAKER. The Speaker is happy to welcome to the hall of the House this morning a group of 50 citizens from the Greater Canonsburg area, who are here as the guests of Representative Colaizzo. They are in the balcony, and they are here and will receive the reception of the House.

The Chair is also happy to welcome this morning Jill Rowe and Greg Hughes. They are students at the Eastern Mennonite College. Ms. Rowe served the House as a district aide in Representative Strittmatter's office this past summer. They are the guests of Representative Strittmatter and the Lancaster County delegation, and they are seated to the left of the Speaker.

Also to the left of the Speaker, the Chair is happy to welcome Tara and Stacey Egan. They are the guests of Representative Fran Weston, and they are to the left of the Speaker. Will they stand.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1631, PN 2674 (Amended)

By Rep. COWELL

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for venture capital investments.

EDUCATION.

HB 2025, PN 2652

By Rep. COWELL

An Act amending the act of January 25, 1966 (1965 P. L. 1546, No. 541), entitled "An act providing scholarships and providing funds to secure Federal funds for qualified students of the Commonwealth of Pennsylvania who need financial assistance to attend postsecondary institutions of higher learning, making an appropriation, and providing for the administration of this act," further providing for fiscal administration.

EDUCATION.

LEAVES OF ABSENCE

The SPEAKER. Are there leaves of absence to be presented from the majority party? The gentleman, Mr. DeWeese, from Greene County, the majority whip, is recognized.

Mr. DeWEESE. Mr. Speaker, the gentleman from Northampton, Mr. BELFANTI, for the day only, and I stress it is a medical leave, Mr. Speaker - a medical leave for today only, Mr. Belfanti.

The SPEAKER. Without objection, the requested leave will be granted.

Are there leaves of absence to be requested from the minority party? The indication is in the negative.

MASTER ROLL CALL

The SPEAKER. We are about to take the master roll call; the master roll call is about to be taken. Members are to indicate their presence in the hall of the House by voting "yea" on the master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—201

Acosta	Donatucci	Laughlin	Ritter
Adolph	Dorr	Lee	Robbins
Allen	Durham	Leh	Robinson
Angstadt	Evans	Lescovitz	Roebuck
Argall	Fairchild	Letterman	Rudy
Barley	Fargo	Levdansky	Ryan
Battisto	Farmer	Linton	Rybak
Belardi	Fee	Lloyd	Saloom
Billow	Fleagle	Lucyk	Saurman
Birmelin	Flick	McCall	Scheetz
Bishop	Foster	McHale	Schuler
Black	Fox	McNally	Scrimenti
Blaum	Freeman	McVerry	Semmel
Bortner	Freind	Maiale	Serafini
Bowley	Gallen	Maine	Smith, B.
Boyes	Gamble	Markosek	Smith, S. H.
Brandt	Gannon	Marsico	Snyder, D. W.
Broujos	Geist	Mayernik	Snyder, G.
Bunt	George	Melio	Staback
Burd	Gigliotti	Merry	Stairs
Burns	Gladeck	Michlovic	Steighner
Bush	Godshall	Micozzie	Stish
Caltagirone	Gruitza	Miller	Strittmatter
Cappabianca	Gruppo	Moehlmann	Suban
Carlson	Hagarty	Morris	Tangretti
Carn	Haluska	Mowery	Taylor, E. Z.
Cawley	Harper	Mrkonic	Taylor, F.
Cessar	Hasay	Murphy	Taylor, J.
Chadwick	Hayden	Nahill	Telek
Civera	Hayes	Nailor	Thomas
Clark, B. D.	Heckler	Noye	Tigue
Clark, D. F.	Herman	O'Brien	Trello
Clark, J. H.	Hess	O'Donnell	Trich
Clymer	Howlett	Olasz	Van Horne
Cohen	Hughes	Oliver	Veon
Colafella	Itkin	Perzel	Vroon
Colaizzo	Jackson	Pesci	Wambach
Cole	Jadlowiec	Petrarca	Wass
Cornell	James	Petrone	Weston
Corrigan	Jarolin	Phillips	Williams
Cowell	Johnson	Piccola	Wilson
Coy	Josephs	Pievsky	Wogan
DeLuca	Kaiser	Pistella	Wozniak
DeWeese	Kasunic	Pitts	Wright, D. R.
Daley	Kenney	Pressmann	Wright, J. L.
Davies	Kondrich	Preston	Wright, R. C.
Dempsey	Kosinski	Raymond	Yandrisevits
Dietterick	Kukovich	Reber	
Dininni	LaGrotta	Reinard	
Distler	Langtry	Richardson	
Dombrowski	Lashingier	Rieger	

ADDITIONS—0

NOT VOTING—0

EXCUSED—2

Belfanti

Hershey

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair reminds the members that there are a number of television crews that will be visiting the floor of the House today. The Speaker will not—and I repeat—the Speaker will not interrupt the floor debate or interrupt the proceedings to inform the members that television crews will be on the floor of the House. The television crews will be on the floor of the House in the number as limited by the Speaker to two crews at one time virtually all day long. Members are to take note that they will not get any more warning that crews are on the floor of the House than they are getting right now.

Members are asked to please take into account that this day will probably be a long day of debate, and it is hoped that the order and decorum of the House will be such that members will be able to hear each other and that each member will be courteous to his colleagues by keeping conversations to a minimum.

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The clerk of the Senate, being introduced, returned the following **HB 1883, PN 2641**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the act of July 7, 1947 (P. L. 1368, No. 542), known as the "Real Estate Tax Sale Law," reviving provisions relating to extension of the period for discharge of tax claims; and making repeals.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. On that question, the lady from Beaver County, Representative Susan Laughlin, rises to move that the House do concur in the amendments inserted by the Senate, and the Chair recognizes Representative Laughlin.

Mrs. LAUGHLIN. Thank you, Mr. Speaker.

The Senate amendments were technical in nature. While my bill, when it went to the Senate, contained a repeal of the extension of the provisions that were enacted under Act 76 of 1985, the Senate correctly so noted that these provisions were again reenacted with Act 81 of 1986, thereby requiring a repeal of the provisions of that act as well as the one already contained in my bill. So I ask for your concurrence. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in those amendments inserted by the Senate? On that question, the "yeas" and "nays" will be taken. Those wishing to concur in the Senate amendments will vote "aye"; those opposing the Senate amendments will vote "nay."

On the question recurring,

Will the House concur in Senate amendments?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—200

Acosta	Dorr	Lee	Ritter
Adolph	Durham	Leh	Robbins
Allen	Evans	Lescovitz	Robinson
Angstadt	Fairchild	Letterman	Roebuck
Argall	Fargo	Levdansky	Rudy
Barley	Farmer	Linton	Ryan
Battisto	Fee	Lloyd	Rybak
Belardi	Fleagle	Lucyk	Saloom
Billow	Flick	McCall	Saurman
Birmelin	Foster	McHale	Scheetz
Bishop	Fox	McNally	Schuler
Black	Freeman	McVerry	Scrimenti
Blaum	Freind	Maiale	Semmel
Bortner	Gallen	Maine	Serafini
Bowley	Gamble	Markosek	Smith, B.
Boyes	Gannon	Marsico	Smith, S. H.
Brandt	Geist	Mayernik	Snyder, D. W.
Broujos	George	Melio	Snyder, G.
Bunt	Gigliotti	Merry	Staback
Burd	Gladeck	Michlovic	Stairs
Burns	Godshall	Micozzie	Steighner
Bush	Gruitza	Miller	Stish
Caltagirone	Gruppo	Moehlmann	Strittmatter
Cappabianca	Hagarty	Morris	Suban
Carlson	Haluska	Mowery	Tangretti
Cawley	Harper	Mrkonic	Taylor, E. Z.
Cessar	Hasay	Murphy	Taylor, F.
Chadwick	Hayden	Nahill	Taylor, J.
Civera	Hayes	Nailor	Telek
Clark, B. D.	Heckler	Noye	Thomas
Clark, D. F.	Herman	O'Brien	Tigue
Clark, J. H.	Hess	O'Donnell	Trello
Clymer	Howlett	Olasz	Trich
Cohen	Hughes	Oliver	Van Horne
Colafranca	Itkin	Perzel	Veon
Colaizzo	Jackson	Pesci	Vroon
Cole	Jadlowiec	Petrarca	Wambach
Cornell	James	Petrone	Wass
Corrigan	Jarolin	Phillips	Weston
Cowell	Johnson	Piccola	Williams
Coy	Josephs	Pievsky	Wilson
DeLuca	Kaiser	Pistella	Wogan
DeWeese	Kasunic	Pitts	Wozniak
Daley	Kenney	Pressmann	Wright, D. R.
Davies	Kondrich	Preston	Wright, J. L.
Dempsey	Kosinski	Raymond	Wright, R. C.
Dietterick	Kukovich	Reber	Yandrisevits
Dininni	LaGrotta	Reinard	
Distler	Langtry	Richardson	
Dombrowski	Lashinger	Rieger	Manderino, Speaker
Donatucci	Laughlin		

NAYS—0

NOT VOTING—1

Carn

EXCUSED—2

Belfanti Hershey

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

BILL SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bill, which was then signed:

HB 1883, PN 2641

An Act amending the act of July 7, 1947 (P. L. 1368, No. 542), known as the "Real Estate Tax Sale Law," reviving provisions relating to extension of the period for discharge of tax claims; and making repeals.

WELCOME

The SPEAKER. The Speaker is happy to welcome to the hall of the House today Mr. and Mrs. William Gegogaine in the balcony. They are the guests of Representative Ron Black of Venango County. They are in the balcony.

HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the majority leader, Robert O'Donnell from Philadelphia. For what purpose does the gentleman rise?

Mr. O'DONNELL. Thank you, Mr. Speaker.

I would request a recess at the right time to reconvene at 1 o'clock this afternoon. The debate on abortion will begin promptly at 1 o'clock, and what we are going to try and do is finish the House's business today so we can adjourn at the end of today.

There will inevitably be a movement, if we run late into the day, to curtail debate. We can avoid any kind of limitation on debate if people will be succinct in their remarks on this subject.

So I would like, Mr. Speaker, after the announcement of the recess, for us to reconvene at 1 o'clock. Thank you.

The SPEAKER. It is the belief of the floor leaders that all of the amendments that will be offered this afternoon have been given to the floor leaders. We are going to work on that assumption. If the amendments have not been given to the floor leaders, proper notice should be given by the members of this House to the floor leaders.

**PROFESSIONAL LICENSURE
COMMITTEE MEETING**

The SPEAKER. The gentleman from Somerset County, Representative Lloyd, is recognized. For what purpose does the gentleman rise?

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, on the call of the recess, the Professional Licensure Committee will meet briefly in the rear of the House chamber; on the call of the recess, Professional Licensure Committee.

The SPEAKER. The Chair thanks the gentleman.

Are there any announcements by either of the floor leaders? The caucus chairmen?

The amendment clerk informs the Speaker that some of the amendments that have been talked about and are listed by the caucus have not been given to the amendment clerk yet. Remember, your amendments must be turned in to the amendment clerk so that they can properly be duplicated for distribution on the floor of the House.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the Republican leader, Matthew Ryan.

Mr. RYAN. Mr. Speaker, apparently some of the amendments that are to be offered today were not received yesterday, and we would like an opportunity to caucus on them. So I am going to ask that the Republicans caucus at 12:30.

If members of the majority caucus have amendments, I would be greatly appreciative if they would get them over to Mr. Noye so that we will have them for the 12:30 caucus.

I do not expect that we will be late, but we just want to have an opportunity to take a quick look at them.

The SPEAKER. The House of Representatives will reconvene after the recess at 1 p.m. this afternoon. We would ask all members to take care of their business, their lunch, so that they will be back on the floor at 1 p.m.

Are there any further announcements by the majority party? Any further announcements by the minority party?

RECESS

The SPEAKER. This House stands in recess until 1 p.m.

AFTER RECESS

The time of recess having expired, the House was called to order.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 369, PN 382**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, changing the penalty for incest.

On the question,

Will the House agree to the bill on third consideration?

Mr. FREIND offered the following amendments No. A3332:

Amend Title, page 1, line 2, by inserting after "Statutes," regulating matters relating to the performance of abortions, the protection of women who undergo abortion, and the protection of children subject to abortion; providing for notice to spouses prior to an abortion; prohibiting abortions based solely on the sex of the child; prohibiting certain abortions after 24 weeks gestation; and

Amend Bill, page 1, lines 5 and 6, by striking out all of said lines and inserting

Section 1. The definitions of "fertilization," "pregnancy," and "unborn child" in section 3203 of Title 18 of the Pennsylvania Consolidated Statutes are amended and the section is amended by adding a definition to read:

§ 3203. Definitions.

The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Fertilization" and "conception." [The fertilization of an ovum by a sperm, which shall be deemed to have occurred when the head of the sperm has penetrated the cell membrane of the ovum and the process of development, differentiation, cell mitosis and replication begins and shall be synonymous with the term conception.] Each term shall mean the fusion of a human spermatozoon with a human ovum.

"Gestational age." The age of the unborn child as calculated from the first day of the last menstrual period of the pregnant woman.

"Pregnancy" and "pregnant." [That] Each term shall mean that female reproductive condition [caused by and commencing] of having a developing fetus in the body and commences with fertilization.

"Unborn child" and "fetus." [For purposes of this chapter, a human being from fertilization until birth and includes a fetus.] Each term shall mean an individual organism of the species homo sapiens from fertilization until live birth.

Section 2. Sections 3204(c) and (d), 3205(a) and (c), 3206(f)(1) and 3208(a) of Title 18 are amended to read:

§ 3204. Medical consultation and judgment.

(c) Factors.—In determining in accordance with subsection (a) or (b) whether an abortion is necessary, a physician's best clinical judgment may be exercised in the light of all factors (physical, emotional, psychological, familial and the woman's age) relevant to the well-being of the woman. No abortion which is sought solely because of the sex of the unborn child shall be deemed a necessary abortion.

(d) Penalty.—Any person who intentionally, knowingly or recklessly violates the provisions of this section commits a felony of the third degree, and any physician who violates the provisions of this section is guilty of "unprofessional conduct" and his license for the practice of medicine and surgery shall be subject to suspension or revocation in accordance with procedures provided under the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, or their successor acts.

§ 3205. Informed consent.

(a) General rule.—No abortion shall be performed or induced except with the voluntary and informed consent of the woman upon whom the abortion is to be performed or induced. Except in the case of a medical emergency, consent to an abortion is voluntary and informed if and only if, prior to the consent having been given, the physician who is to perform the abortion, or the referring physician, or a qualified physician assistant, health care practitioner, or technician to whom the responsibility has been delegated by either physician, has orally informed the woman of the nature of the proposed procedure or treatment and of those risks and alternatives to the procedure or treatment that a reasonable patient would consider material to the decision whether or not to undergo the abortion, and the woman certifies in writing prior to the abortion that she has been provided such information.]:

(1) At least 24 hours prior to the abortion, the physician who is to perform the abortion or the referring physician has orally informed the woman of:

(i) The nature of the proposed procedure or treatment and of those risks and alternatives to the procedure or treatment that a reasonable patient would consider material to the decision of whether or not to undergo the abortion.

(ii) The probable gestational age of the unborn child at the time the abortion is to be performed.

(iii) The medical risks associated with carrying her child to term.

(2) At least 24 hours prior to the abortion, the physician who is to perform the abortion, or the referring physician, or a qualified physician assistant, health care practitioner, technician or social worker to whom the responsibility has been delegated by either physician has informed the pregnant woman that:

(i) The department publishes printed materials which describe the unborn child and list agencies which offer alternatives to abortion and that she has a right to review the printed materials and that a copy will be provided to her free of charge if she chooses to review it.

(ii) Medical assistance benefits may be available for prenatal care, childbirth and neonatal care, and that more detailed information on the availability of such assistance is contained in the printed materials published by the department.

(iii) The father of the unborn child is liable to assist in the support of her child, even in instances where he has offered to pay for the abortion. In the case of rape, this information may be omitted.

(3) A copy of the printed materials has been provided to the pregnant woman if she chooses to view these materials.

(4) The pregnant woman certifies in writing, prior to the abortion, that the information required to be provided under paragraphs (1), (2) and (3) has been provided.

(c) Penalty.—Any physician who violates the provisions of this section is guilty of “unprofessional conduct” and his license for the practice of medicine and surgery shall be subject to suspension or revocation in accordance with procedures provided under the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, or their successor acts. Any physician who performs or induces an abortion without first obtaining the certification required by subsection (a)(4) or with knowledge or reason to know that the informed consent of the woman has not been obtained, shall for the first offense be guilty of a summary offense and for each subsequent offense be guilty of a misdemeanor of the third degree. No physician shall be guilty of [“unprofessional conduct”] violating this section for failure to furnish the information required by subsection (a) if he or she can demonstrate, by a preponderance of the evidence, that he or she reasonably believed that furnishing the information would have resulted in a severely adverse effect on the physical or mental health of the patient.

§ 3206. Parental consent.

(f) Proceedings.—

(1) Court proceedings under this section shall be confidential and shall be given such precedence over other pending matters as will ensure that the court may reach a decision promptly and without delay in order to serve the best interests of the pregnant woman. In no case shall the court of common pleas fail to rule within three business days of the date of

application. A court of common pleas which conducts proceedings under this section shall make in writing specific factual findings and legal conclusions supporting its decision and shall, upon the initial filing of the minor’s petition for judicial authorization of an abortion, order a sealed record of the petition, pleadings, submissions, transcripts, exhibits, orders, evidence and any other written material to be maintained which shall include its own findings and conclusions.

§ 3208. Printed information.

(a) General rule.—The department shall cause to be published in English, Spanish and Vietnamese, within 60 days after this chapter becomes law, and shall update on an annual basis, the following easily comprehensible printed materials:

(1) Geographically indexed materials designed to inform the woman of public and private agencies and services available to assist a woman through pregnancy, upon childbirth and while the child is dependent, including adoption agencies, which shall include a comprehensive list of the agencies available, a description of the services they offer and a description of the manner, including telephone numbers, in which they might be contacted, or, at the option of the department, printed materials including a toll-free, 24-hour a day telephone number which may be called to obtain, orally, such a list and description of agencies in the locality of the caller and of the services they offer. [The materials shall include the following statement:

“There are many public and private agencies willing and able to help you to carry your child to term, and to assist you and your child after your child is born, whether you choose to keep your child or to place her or him for adoption. The Commonwealth of Pennsylvania strongly urges you to contact them before making a final decision about abortion.”]

The materials shall [state that medical assistance benefits may be available] provide information on the availability of medical assistance benefits for prenatal care, childbirth and neonatal care, and state that it is unlawful for any individual to coerce a woman to undergo abortion, that any physician who performs an abortion upon a woman without obtaining her informed consent or without according her a private medical consultation may be liable to her for damages in a civil action at law, that the father of a child is liable to assist in the support of that child, even in instances where the father has offered to pay for an abortion and that the law permits adoptive parents to pay costs of prenatal care, childbirth and neonatal care.

(2) Materials designed to inform the woman of the probable anatomical and physiological characteristics of the unborn child at two-week gestational increments from fertilization to full term, including pictures representing the development of unborn children at two-week gestation increments, and any relevant information on the possibility of the unborn child’s survival. The materials shall be objective, non-judgmental and designed to convey only accurate scientific information about the unborn child at the various gestational ages. The material shall also contain objective information describing the methods of abortion procedures commonly employed, the medical risks commonly associated with each such procedure, the possible detrimental psychological effects of abortion and the medical risks commonly associated with carrying a child to term.

Section 3. Title 18 is amended by adding a section to read:

§ 3209. Spousal notice.

(a) Spousal notice required.—In order to further the Commonwealth's interest in promoting the integrity of the marital relationship, and to protect a spouse's interests in having children within marriage and in protecting the prenatal life of that spouse's child, no physician shall perform an abortion on a married woman, except as provided in subsections (b) and (c), unless he or she has received a signed statement, which need not be notarized, from the woman upon whom the abortion is to be performed, that she has notified her spouse that she is about to undergo an abortion. The statement shall bear a notice that any false statement made therein is punishable by law.

(b) Exceptions.—The statement certifying that the notice required by subsection (a) has been given need not be furnished where the woman provides the physician a signed statement certifying at least one of the following:

- (1) Her spouse is not the father of the child.
- (2) Her spouse, after diligent effort, could not be located.

(3) The pregnancy is a result of spousal sexual assault as described in section 3128 (relating to spousal sexual assault), which has been reported to a law enforcement agency having the requisite jurisdiction.

(4) The woman has reason to believe that the furnishing of notice to her spouse is likely to result in the infliction of bodily injury upon her by her spouse or by another individual. Such statement need not be notarized, but shall bear a notice that any false statements made therein are punishable by law.

(c) Medical emergency.—The requirements of subsection (a) shall not apply in case of a medical emergency.

(d) Forms.—The department shall cause to be published, forms which may be utilized for purposes of providing the signed statements required by subsections (a) and (b). The department shall distribute an adequate supply of such forms to all abortion facilities in this Commonwealth.

(e) Penalty; civil action.—Any physician who violates the provisions of this section is guilty of "unprofessional conduct," and his or her license for the practice of medicine and surgery shall be subject to suspension or revocation in accordance with procedures provided under the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, or their successor acts. In addition, any physician who knowingly violates the provisions of this section shall be civilly liable to the spouse who is the father of the aborted child for any damages caused thereby and for punitive damages in the amount of \$5,000, and the court shall award a prevailing plaintiff a reasonable attorney fee as part of costs.

Section 4. Sections 3210, 3211, 3212(b), 3214(a), 3215(b), 3216, 3217, 3218(a) and 3220 of Title 18 are amended to read: § 3210. [Abortion after viability.

(a) Prohibition; penalty.—Any person who intentionally, knowingly or recklessly performs or induces an abortion when the fetus is viable commits a felony of the third degree. It shall be a complete defense to any charge brought against a physician for violating the requirements of this section that he had concluded in good faith, in his best medical judgment, that the unborn child was not viable at the time the abortion was performed or induced or that the abortion was necessary to preserve maternal life or health.

(b) Degree of care.—Except in the case of a medical emergency, every person who performs or induces an abortion after he has determined an unborn child to be viable shall exercise that degree of professional skill, care and diligence which would reasonably be necessary in order to preserve the life and health of any unborn child intended to be born and not aborted, and the abortion technique employed shall be that which would provide the best opportunity for the unborn child to be delivered alive unless, in the good faith judgment of the physician, that method

or technique would present a greater medical risk to the life or health of the pregnant woman than would another available method or technique. The physician shall report the basis for his judgment pursuant to section 3214(a) (relating to reporting). The potential psychological or emotional impact on the mother of the unborn child's survival shall not be deemed a medical risk to the mother. Any person who intentionally, knowingly or recklessly violates the provisions of this subsection commits a felony of the third degree.

(c) Second physician.—Except in the case of a medical emergency, any person who intends to perform an abortion after he has determined an unborn child to be viable, the method chosen for which abortion, in his good faith judgment, does not preclude the possibility of the child surviving the abortion, shall arrange for the attendance, in the same room in which the abortion is to be completed, of a second physician. Immediately after the complete expulsion or extraction of the child, the second physician shall take control of the child and shall provide immediate medical care for the child, taking all reasonable steps necessary, in his judgment, to preserve the child's life and health. Any person who intentionally, knowingly or recklessly violates the provisions of this subsection commits a felony of the third degree.]

Determination of gestational age.

(a) Requirement.—Except in the case of a medical emergency, which prevents compliance with this section, no abortion shall be performed or induced unless the referring physician or the physician performing or inducing it has first made a determination of the probable gestational age of the unborn child. In making such determination, the physician shall make such inquiries of the patient and perform or cause to be performed such medical examinations and tests as a prudent physician would consider necessary to make or perform in making an accurate diagnosis with respect to gestational age. The physician who performs or induces the abortion shall report the type of inquiries made and the type of examinations and tests utilized to determine the gestational age of the unborn child and the basis for the diagnosis with respect to gestational age on forms provided by the department.

(b) Penalty.—Failure of any physician to conform to any requirement of this section constitutes "unprofessional conduct" within the meaning of the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, or their successor acts. Upon a finding by the State Board of Medicine or the State Board of Osteopathic Medicine that any physician has failed to conform to any requirement of this section, the board shall not fail to suspend that physician's license for a period of at least three months. Intentional, knowing or reckless falsification of any report required under this section is a misdemeanor of the third degree.

§ 3211. [Viability.

(a) Determination of viability.—Except in the case of a medical emergency, prior to performing any abortion upon a woman subsequent to her first 19 weeks of pregnancy, the physician shall determine whether, in his good faith judgment, the child is viable. When the physician has determined that a child is viable, he shall, pursuant to section 3214(a) (relating to reporting), report the basis for his determination that the abortion is necessary to preserve maternal life or health. When the physician has determined that a child is not viable after the first 19 weeks of pregnancy, he shall report the basis for such determination pursuant to section 3214(a).

(b) Unprofessional conduct.—Failure of any physician to conform to any requirement of this section constitutes "unprofessional conduct" within the meaning of the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, the act of December 20, 1985 (P.L.457, No.112),

known as the Medical Practice Act of 1985, or their successor acts. Upon a finding by the State Board of Medicine or the State Board of Osteopathic Medicine that any physician has failed to conform to any requirement of this section, the board shall not fail to suspend that physician's license for a period of at least three months. Intentional, knowing or reckless falsification of any report required under this section is a misdemeanor of the third degree.]

Abortion on unborn child of 24 or more weeks gestational age.

(a) Prohibition.—Except as provided in subsection (b), no person shall perform or induce an abortion upon another person when the gestational age of the unborn child is 24 or more weeks.

(b) Exceptions.—

(1) It shall not be a violation of subsection (a) if an abortion is performed by a physician and that physician reasonably believes that it is necessary to prevent either the death of the pregnant woman, or the substantial and irreversible impairment of a major bodily function of the woman. No abortion shall be deemed authorized under this paragraph if performed on the basis of a claim or a diagnosis that the woman will engage in conduct which would result in her death or in substantial and irreversible impairment of major bodily function.

(2) It shall not be a violation of subsection (a) if the abortion is performed by a physician and that physician reasonably believes, after making a determination of the gestational age of the unborn child in compliance with section 3210 (relating to determination of gestational age), that the unborn child is less than 24 weeks gestational age.

(c) Abortion regulated.—Except in the case of a medical emergency which, in the reasonable medical judgment of the physician performing the abortion, prevents compliance with a particular requirement of this subsection, no abortion which is authorized under subsection (b)(1) shall be performed unless each of the following conditions is met:

(1) The physician performing the abortion certifies, in writing, that, based upon his medical examination of the pregnant woman and his medical judgment, the abortion is necessary to prevent either the death of the pregnant woman or the substantial and irreversible impairment of a major bodily function of the woman.

(2) Such physician's judgment with respect to the necessity for the abortion has been concurred in by one other licensed physician, who certifies, in writing, that based upon his or her separate personal medical examination of the pregnant woman and his or her medical judgment, the abortion is necessary to prevent either the death of the pregnant woman or the substantial and irreversible impairment of a major bodily function of the woman.

(3) The abortion is performed in a hospital.

(4) The physician terminates the pregnancy in a manner which provides the best opportunity for the unborn child to survive, unless the physician determines, in his or her good faith medical judgment, that termination of the pregnancy in that manner poses a significantly greater risk either of the death of the pregnant woman or the substantial and irreversible impairment of a major bodily function of the woman than would other available methods.

(5) The physician performing the abortion arranges for the attendance, in the same room in which the abortion is to be completed, of a second physician who shall take control of the child immediately after complete extraction from the mother and shall provide immediate medical care for the child, taking all reasonable steps necessary to preserve the child's life and health.

(d) Penalty.—Any person who violates subsection (a) commits a felony of the first degree. Any person who violates subsection (c) commits a misdemeanor of the first degree for the

first offense and a felony of the third degree for subsequent offenses.

§ 3212. Infanticide.

(b) Care required.—All physicians and licensed medical personnel attending a child who is born alive during the course of an abortion or premature delivery, or after being carried to term, shall provide such child that type and degree of care and treatment which, in the good faith judgment of the physician, is commonly and customarily provided to any other person under similar conditions and circumstances. Any individual who intentionally, knowingly or recklessly violates the provisions of this subsection commits a felony of the third degree.

§ 3214. Reporting.

(a) General rule.—For the purpose of promotion of maternal health and life by adding to the sum of medical and public health knowledge through the compilation of relevant data, and to promote the Commonwealth's interest in protection of the [viable] unborn child, a report of each abortion performed shall be made to the department on forms prescribed by it. The report forms shall not identify the individual patient by name and shall include the following information:

(1) Identification of the physician who performed the abortion, the concurring physician as required by section 3211(c)(2) (relating to abortion on unborn child of 24 or more weeks gestational age), the second physician as required by section 3211(c)(5) and the facility where the abortion was performed and of the referring physician, agency or service, if any.

(2) The county and state in which the woman resides.

(3) The woman's age.

(4) The number of prior pregnancies and prior abortions of the woman.

(5) The [probable] gestational age of the unborn child at the time of the abortion.

(6) The type of procedure performed or prescribed and the date of the abortion.

(7) [Medical complications of the pregnancy, if any, including but not limited to, rubella disease, hydatid mole, endocervical polyp and malignancies,] Pre-existing medical conditions of the woman which would complicate pregnancy, if any, and, if known, any medical complication which resulted from the abortion itself.

(8) [The information required to be reported under section 3211(a) (relating to viability).] The basis for the medical judgment of the physician who performed the abortion that the abortion was necessary to prevent either the death of the pregnant woman or the substantial and irreversible impairment of a major bodily function of the woman, where an abortion has been performed pursuant to section 3211(b)(1).

(9) The [length and] weight of the aborted [unborn] child for any abortion performed [subsequent to the first 19 weeks of pregnancy] pursuant to section 3211(b)(1).

(10) Basis for any medical judgment that a medical emergency existed [as required by any part of this chapter] which excused the physician from compliance with any provision of this chapter.

(11) The information required to be reported under section [3210(b) (relating to abortion after viability)] 3210(a) (relating to determination of gestational age).

(12) Whether the abortion was performed upon a married woman and, if so, whether notice to her spouse was given. If no notice to her spouse was given, the report shall also indicate the reason for failure to provide notice.

§ 3215. Publicly owned facilities; public officials and public funds.

(b) Permitted treatment.—Nothing in subsection (a) shall be construed to preclude any hospital, clinic or other health facility from providing treatment for post-abortion complications[, or from permitting the performance of abortion where no other facility permitting abortion is available within a radius of 20 miles from the facility].

§ 3216. Fetal experimentation.

(a) Unborn or live child.—Any person who knowingly performs any type of nontherapeutic experimentation or nontherapeutic medical procedure (except an abortion as defined in this chapter) upon any unborn child, or upon any child born alive during the course of an abortion, commits a felony of the third degree. "Nontherapeutic" means that which is not intended to preserve the [child's] life or health of the child upon whom it is performed.

(b) Dead child.—[Experimentation upon children who have died during the course of an abortion may be conducted only upon the written consent of the mother: Provided, That no consideration for such consent is offered or given. Any person who knowingly violates this subsection commits a misdemeanor of the first degree.] The department shall, within 90 days of the effective date of this amendatory act, issue regulations with respect to the procurement, or use of any fetal tissue or organ, obtained from children who have died during the course of an abortion, for animal or human transplant, research or experimentation. The following minimum standards shall be incorporated into such regulations, and shall apply to the procurement, or use of such fetal tissue or organs pending the issuance of regulations by the department:

(1) No fetal tissue or organs may be procured or used without the written consent of the mother. No consideration of any kind for such consent may be offered or given. No consent shall be valid if given prior to the performance of the abortion.

(2) No person who provides the information required by section 3205 (relating to informed consent) shall employ the possibility of the use of aborted fetal tissue or organs as an inducement to a pregnant woman to undergo abortion.

(3) No remuneration, compensation or other consideration may be paid to any person or organization in connection with the procurement of fetal tissue or organs.

(4) All persons who participate in the procurement, use or transplantation of fetal tissue or organs, including the recipients of such tissue or organs, shall be informed as to whether the particular tissue or organ involved was procured as a result of either:

- (i) stillbirth;
- (ii) miscarriage;
- (iii) ectopic pregnancy;
- (iv) abortion; or
- (v) any other means.

(5) No person who consents to the procurement or use of any fetal tissue or organ may designate the recipient of that tissue or organ, nor shall any other person or organization act to fulfill that designation.

(6) The department may assess a civil penalty upon any person who procures, sells or uses any fetal tissue or organs in violation of this section or the regulations issued thereunder. Such civil penalties may not exceed \$5,000 for each separate violation. In assessing such penalties, the department shall give due consideration to the gravity of the violation, the good faith of the violator, and the history of previous violations. Civil penalties due under this paragraph shall be paid to the department for deposit in the State Treasury and may be enforced by the department in the Commonwealth Court.

The department shall at all times act in furtherance of the long-standing policy of this Commonwealth encouraging childbirth over abortion, and shall likewise further the policy that fetal transplantation or experimentation not affect the undergoing of abortion.

(c) Construction of section.—Nothing in this section shall be construed to condone or prohibit the performance of diagnostic tests while the unborn child is in utero, or the performance of pathological examinations on an aborted child. Nor shall anything in this section be construed to condone or prohibit the performance of in vitro fertilization and accompanying embryo transfer.

§ 3217. Civil penalties.

Any physician who knowingly violates any of the provisions of section 3204 (relating to medical consultation and judgment) or 3205 (relating to informed consent) shall, in addition to any other penalty prescribed in this chapter, be civilly liable to his patient for any damages caused thereby and, in addition, shall be liable to his patient for punitive damages in the amount of \$5,000, and the court shall award a prevailing plaintiff a reasonable attorney fee as part of costs.

§ 3218. Criminal penalties.

(a) Application of chapter.—Notwithstanding any other provision of this chapter, no criminal penalty shall apply to a woman who violates any provision of this chapter solely in order to perform or induce or attempt to perform or induce an abortion upon herself. Nor shall any woman who undergoes an abortion be found guilty of having committed an offense, liability for which is defined under section 306 (relating to liability for conduct of another; complicity) or Chapter 9 (relating to inchoate crimes), by reason of having undergone such abortion.

§ 3220. Construction.

(a) Referral to coroner.—The provisions of section 503(3) of the act of June 29, 1953 (P.L.304, No.66), known as the "Vital Statistics Law of 1953," shall not be construed to require referral to the coroner of cases of abortions performed in compliance with this chapter.

(b) Other laws unaffected.—Apart from the provisions of subsection (a) and section 3214 (relating to reporting) nothing in this chapter shall have the effect of modifying or repealing any part of the "Vital Statistics Law of 1953" or section 5.2 of the act of October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania Human Relations Act."

(c) Required statement.—When any provision of this chapter requires the furnishing or obtaining of a nonnotarized statement or verification, the furnishing or acceptance of a notarized statement or verification shall not be deemed a violation of that provision.

Section 5. Title 18 is amended by adding a section to read:

§ 3221. Concurrent jurisdiction.

The Attorney General and the district attorneys of the several counties shall have concurrent authority to institute criminal proceedings under the provisions of this chapter.

Section 6. Section 4302 of Title 18 is amended to read:

Amend Bill, page 1, line 16, by striking out all of said line and inserting

Section 7. The provisions of this act are severable. If any word, phrase or provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect any other word, phrase or provision or application of this act which can be given effect without the invalid word, phrase, provision or application.

Section 8. The Department of Health shall create the forms required by sections 3209(e) and 3214(a) within 30 days after the effective date of this act, and shall cause to be published within 60 days after the effective date of this act, the printed materials described in section 3208(a).

Section 9. No provision of this act requiring the reporting of information on forms published by the Department of Health, or requiring the distribution of printed materials published by the Department of Health pursuant to section 3208 shall be applicable until ten days after the requisite forms are first created and printed materials are first published by the Department of Health or until the effective date of this act, whichever is later.

Section 10. This act shall take effect as follows:

(1) The provisions of sections 3209(e) and 3214(a) requiring the Department of Health to create forms and of section 3208(a) requiring the department to publish certain information shall take effect immediately.

(2) The remainder of this act shall take effect in 60 days.

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Representative Freind from Delaware County.

Mr. FREIND. Thank you, Mr. Speaker.

To the surprise of absolutely no one, this amendment is the Abortion Control Act of 1989. It was drafted as a result of the United States Supreme Court decision in the Webster case in early July.

It is my intention, since we have sent out the analysis of the legislation twice plus three additional memos relating to various provisions as well as several changes that have been made, to be relatively brief in describing the provisions of this amendment. I think before we do that, Mr. Speaker, however, it is important now and then to take a step or two back from the issue and from all the subsidiary issues and once again reaffirm what we are talking about.

One thing that I have noticed about the debate on abortion is that if one is going to take a knowledgeable position, one has to know the facts, particularly the answers to the two important questions, and what is amazing is if anyone does his or her own poll, including third grade dropouts or Ph.D.'s, the average person does not know the answers to those two questions: Number one, what is an unborn child, and in detail, what are the characteristics of that unborn baby? And number two, what is abortion? Specifically, what does abortion do to that unborn baby?

We have heard a lot of arguments about whether or not we are talking about human life. I have never heard it argued by anyone, however, that at the instant of conception, when the sperm is united with the egg, a single human cell is created. It has all 46 chromosomes. That cell already has determined your race, the color of your eyes, and a host of other genetic characteristics.

One can argue whether or not that is human life. Since dogs have dogs and horses have horses, it is relatively safe to assume that humans will have humans. But in fact, no one can argue that that is a living entity, and no one can argue that each one of us in this room, despite our differences in religions and races and political affiliations and persuasions, and indeed all of the people of Pennsylvania and of the world at one time were that single cell. And if you watch what happens to that literally miracle of creation, it is amazing, in 18 days that heart is beating. I will not go into all the other character-

istics at various weeks, but that unborn baby continues to progress in an amazing fashion. So it is not an undifferentiated mass of tissue as some would have you believe.

Abortion is the killing of that unborn child, and notice I do not say murder, because murder implies knowledge and intent, and all too frequently it is not there. That is why we have an informed consent section. But if something is living, be it a plant or an animal, and you want it to stop living, the only way that you can do that is kill it, and so abortion is in fact the killing of an unborn child.

It is performed primarily in three ways. At early stages, there is the suction abortion, and that is where a suction tube is inserted into the uterus, the amniotic fluid is drained, and then the unborn baby is dismembered. It is literally torn apart by the suction tube, except, frequently, for the head, which is too large, which has to be crushed by forceps and removed. Later on you have the D and E, the dilation and evacuation. That is where a sharp surgical instrument is inserted; the unborn baby is systematically cut apart. Once again, the skull is crushed by forceps and removed. Now, if the doctor is doing his job right, he has to reassemble that unborn baby outside the mother to make sure that no parts are left inside that can cause hemorrhage or infection. At later stages we have the saline method. That is where a saline or a salt solution is injected into the amniotic fluid, which, over the course of a number of hours, causes premature labor. Because the saline solution is so caustic, however, what it also frequently does is burn the entire outer layer of skin off the unborn baby, and since the baby at this stage is breathing, not through air but by ingesting the fluid, it also performs the same devastation on the baby's internal organs.

I do not say this in an emotional way. That is what abortion is. It is the killing of an unborn child, and by definition, it is an inherently violent act. We are going to have an extensive debate today which none of us are going to take lightly, and we are going to hear some very wrenching examples, and I will concede to you that there is no question whatsoever that abortion is the most wrenching social issue of our time. But since when do we solve our social problems with violence, indeed with killing?

This legislation was drafted with a view toward protecting all of the victims of abortion. We know the unborn child is a victim because he or she is killed, but very frequently, so is the mother and the husband and society in general. What we are talking about nationally is about 1.5 million abortions a year. That is in a society that protects snails and whales and seals and snail darters and even unborn American bald eagles but permits the killing of 1 1/2 million innocent unborn children every year; to say the least, a masterpiece of inconsistency. Incidentally, it breaks down to one every 20 seconds - three a minute. If we debate, for example, today for 5 hours, which is 300 minutes, 900 innocent unborn children will have died.

One has to ask himself or herself how long any nation can continue to prosper or indeed even to survive when it destroys the most precious asset that it has, its children, indeed its future. And when the issue is raised that it is a woman's issue,

keep in mind that by mathematical certainty, about half of those unborn children who are killed every year are female unborn children. The greatest right that any woman, indeed any human being, has is the right to life, because without that right, there are no other rights that can be exercised.

Now, we talked about the woman as a victim, and we have had testimony over the years and we have had people call us and talk to us who have had abortions, who did not know the characteristics of that baby and what abortion did and when they found out were appalled, who never received any counseling. Remember, we are talking about the abortion industry. We are talking about, literally, a Fortune 500 business that grosses a half a billion dollars a year. We are talking about abortion clinics, which, by definition, have to perform abortions to stay in business. So we have an informed consent section, and what it says is, except in the case of a medical emergency, at least 24 hours prior to the abortion the woman has to be advised by either the referring physician or the physician performing the abortion of the surgical procedure to be used, the dangers of both childbirth and abortion, and alternatives. She also has to be advised by an assistant - either a physician's assistant, a social worker, or a counselor - of what her status may be with respect to medicaid funding, the responsibility of the father of the unborn child to support the baby if the baby is born, even if he has offered to pay for an abortion; and she has to have made available to her—and she certainly does not have to read these—printed materials which provide this information again and which also discuss the characteristics of the unborn baby at various gestational stages, including pictures of the unborn baby, not aborted babies but of unborn babies at various gestational stages. This stands for the proposition that a woman has an absolute right to have access to all of the necessary information before she makes a decision which, one way or the other, may remain with her for the rest of her life.

We have heard opposition to the 24-hour waiting period, and remember that it is waived in the case of a medical emergency. Most of the opposition we have heard is from abortion clinics. We have heard about unnecessary delay, increased expense. When you weigh that against the interest of the woman having access to all of this information and having a rational period in which she can reflect on this huge decision, I firmly believe that the scales have to be tipped in favor of the woman, particularly when one considers that for so many important things in our lives, there are waiting periods - for your marriage license, for your Social Security number, for your driver's license, and for a host of other things.

This language is almost identical to the language in our 1982 Abortion Control Act, which was stricken by the court—by the court then, that United States Supreme Court—by a 5-4 vote. Some have perceived Justice O'Connor now to be the swing vote. She specifically supported the informed consent section; she specifically supported the 24-hour waiting period, and it was the striking of this section that caused her, in her dissent, to say, quote, "Roe v. Wade is on a collision course with itself," unquote.

One can argue with respect to the doctor that in no other procedure is he required to provide this information by law, and there are a number of other areas in the bill where we require doctors to do certain things. Remember, however, there is no other procedure, there is no other instance, where the doctor has a conflict or a potential conflict between two patients, the woman and the unborn child, and that is a distinction that is important to keep in mind.

The next thing we do is outlaw sex selection abortions. That is when an unborn baby is aborted, is killed, merely because of his or her sex. Obviously, that is the ultimate in sexual discrimination. Some have raised the issue, would this prohibit abortions before 24 weeks when a combination of the sex of the unborn child and prior genetic characteristics in the mother or the father would give rise to the possibility or the likelihood that the unborn baby, once born, would not be, quote, "normal," unquote, whatever that term means? Whereas I could never support an abortion for that reason, it is important to remember that Roe v. Wade has not been overturned. We are not outlawing abortions flat-out, and the sex selection section in no way involves the genetic characteristics, because if you look at the language in our bill, it says that no abortion can be performed solely because of the sex of the unborn child. In the genetic instance which I gave, there are two factors: one, the sex of the unborn child; and two, the genetic history.

Some have argued that this does not occur, sex selection abortions, and yet the New York Times—and we know that the New York Times is never wrong—conducted a poll a few months ago which indicated that 20 percent of the medical geneticists interviewed counsel for sex selection abortions. If in fact none are performed and that poll is wrong, then this legislation prohibiting it does no harm whatsoever.

Some have talked about a difficulty in enforcing this section. There has never been a bill that we have ever passed that there is not difficulty in enforcing. But for the other side to argue that it is unenforceable is for the other side to state that every single woman who supports their cause and the right to an abortion will absolutely, 100 percent, lie. We do not believe that, Mr. Speaker.

The next section is "Spousal notice." It is not consent; it is notice. When the average person is informed that a husband has no rights whatsoever—as the father of a 12-year-old has no rights whatsoever or the mother of a 12-year-old would even be notified that the minor is going to have an abortion—but that the husband has no rights even to be notified, they are appalled. Now, this is not consent, but what it says is that with four significant exceptions, in the context of marriage, the wife must advise her husband that she is pregnant with their child and that she is planning to have an abortion. The four exceptions are reasonable: number one, when the husband is not the father of the unborn child; number two, when, after due diligence, the father cannot be located; number three, when the pregnancy is the result of spousal rape; and number four, when the dissemination of this information to the husband would place the woman in danger of physical harm by the husband or by someone else.

The concept of spousal notice has been ruled constitutional by the United States Circuit Court of Appeals for the Fifth Circuit in a Florida case. That law was remanded to the State only because, unlike our legislation, it did not have an exception where the husband was not the father of the unborn child.

It is absolutely necessary, when you know a court is going to look at this, to put a reason, a statement of intent, in this section. The original bill stated "a father's right to procreate," and I think some people misunderstood what "procreate" means. What it means is the right to have children, and of course, obviously, within the marital context, both the husband and the wife have the right to procreate. We did not manufacture that language. We took that language directly from the opinion of the Fifth Circuit Court of Appeals. However, because there was an ambiguity with respect to "a father's right to procreate"—if one is a husband but has no children yet, he is not a father—instead, we have changed that to the spouse's—so we cure that problem, and we make it clear that it is either spouse—right to have children—we spell out the definition of "procreate"—and also to protect the prenatal life of the unborn child. That is the rationale we give.

Some arguments have been made that this could impact on a husband or a wife's right to utilize contraception. Absolutely not. It is not the intention; it is not what the language says. I am aware of the fact, however, that Representative Chadwick has an amendment to add two words to make it clear. I will have no problem with that amendment. In this regard, remember that what the other side has attempted to do is to muddy the waters by merging together two separate and distinct issues - contraception and abortion. Contraception is the prevention of life and, as such, should be a private issue into which government should not intrude. Abortion is, as indicated earlier, the taking of life, the killing of an unborn child, and at least many of us believe that as a matter of public policy, that should be regulated and hopefully someday, to a large extent, outlawed. But that is what the spousal notice section says.

Now, the unsworn statement that the woman— She does not need a note from her husband. She will give the doctor an unsworn statement, prepared by the department, which indicates either (a) she has informed her husband, or (b) she has not informed him because of one of the four exceptions. She will never be prosecuted for having an abortion. Nothing in this act in any way ever penalizes a woman for having an abortion, either directly, as an accomplice, or a conspirator—and that was the case before *Roe v. Wade*—because we firmly believe that the mother in an abortion is also a victim, and you do not prosecute victims; you attempt to help them. There would be a violation, however, if in fact the information on the unsworn statement was false and the mother knew it to be false. That is existing law since 1973, and it is called "Falsification of unsworn statement with penalty warning attached." I believe it is a misdemeanor-2, and whereas we want to protect a woman from never being prosecuted for

having an abortion, there has to be a penalty if someone—which is already in the law—willingly provides a false statement. That is "Spousal notice."

"Determination of gestational age." Let me say at this point, the bill has been very carefully drafted so that we do not become medical experts, so that we permit the medical profession to make decisions in accordance with what are normal standards in that profession. We require here that before any abortion is performed, the physician - either the referring physician or the physician performing the abortion - do all of the normal things which a reasonable doctor would do to ascertain gestational age, and that will vary depending on the stage. Some have said, this is going to require an ultrasound in every case. Absolutely not. If we wanted an ultrasound, we would say it. What we are saying is to take any reasonable steps that a reasonable doctor would to determine gestational age. We already have a requirement in existing law that after each abortion the doctor has to file a report and give the probable gestational age.

There is a specific reason why this section is in. We hear, of course, that abortions are never performed in the third trimester, and we know that is not true. We know that under *Roe v. Wade* and *Doe v. Bolton*, a woman can have an abortion at any time for any reason, including 20 seconds before she is due, and that is because of the definition of "health."

The Philadelphia Inquirer, certainly no friend of the prolife movement—and that is a masterpiece of an understatement—documented a number of years back in an article called "Abortion: The Dreaded Complication" that at least once a day in America, an abortion is performed in late stages but the baby does not cooperate and survives the abortion and is then permitted to die in a bedpan, in the tissue rack, in the utility closet. By anybody's definition now, we are talking about a human being outside the mother.

We had a situation about 4 years ago—and you are all aware of it—in West Park Hospital in Philadelphia, where a 13-year-old girl who was 8 months pregnant—8 months pregnant—had an abortion performed and pursuant to that gave birth to a 3-pound-8-ounce baby girl. I originally thought it was 4-3, but I have been advised that it was a 3-pound-8-ounce baby girl, certainly not a tiny preemie. According to the charges filed against the doctor, he then took this baby girl and placed her in a utility closet, where 90 minutes later she died alone, unaided, and gasping for breath. Medical testimony indicated there was about a 98-percent or 99-percent chance for survival if only the airways had been cleared, a normal procedure following birth. The doctor was charged with a number of crimes, including two under the Abortion Control Act - infanticide and abortion after viability. As his defense, which the judge acceded to, for abortion after viability, he said that he thought that the woman was only approximately 18 weeks pregnant as opposed to 32. That is a difference of 14 weeks. The judge indicated that because there was no requirement for him to take reasonable steps at any stage to determine gestational age, he could not be successfully prosecuted under this section, and that is one of the reasons

why it is in. It is only what a reasonable doctor would do at any particular stage. I might add that the doctor was convicted of our infanticide section, which is punishable by up to 7 years in prison, and is awaiting sentencing.

The next issue relates to abortions after 24 weeks. That is 6 months. We are not talking about a tiny speck. We are not talking about an undifferentiated mass of tissue. We are talking about a 6-month unborn baby, whose heart, for example, has been beating for over 21 weeks. What we are saying here is that there can be no abortions after 24 weeks except those necessary to avert the death of the mother, and we also added language that says, or to avert "substantial and irreversible impairment of a major bodily function." That is cases such as paralysis, such as blindness, where we have had indications that a reasonable doctor would also infer that that condition would also be a threat to the mother's life. There will be amendments for exceptions, and we will debate them at the appropriate time. But that is what this does.

It says that except in the case of a medical emergency, the doctor, before performing the abortion, has to receive at least one concurring opinion. We had two concurring opinions; we changed that to one. We have never been doctrinaire; we have never been dogmatic. We are happy to respond to legitimate concerns, and one of the concerns was, in rural areas there are many areas that do not have a lot of doctors, so we responded to that. It is true that the concurring physician does not have to be an OB-GYN (obstetrician-gynecologist). It is equally true that the physician performing the abortion does not have to be an OB-GYN. In point of fact, one does not have to be an OB-GYN to deliver babies, and there are areas in the State where babies are delivered by physicians who are not OB-GYN's. We think, except in a medical emergency, this is a rational requirement, and again, why? Because it is the only instance in medicine where you will find that a doctor is faced with a conflict or a potential conflict between two patients - the unborn baby, the 6-month-old unborn baby, and the mother.

We also say that except in the case of a medical emergency, the doctor has to use the abortion procedure most likely to give rise to a live birth, unless that procedure would increase the already great risk to the life of the mother or increase the risk of substantial and irreversible impairment of major bodily function. I think this is an extremely reasonable and rational section, and remember, with the exception of sex selection, it is the only area where we outlaw abortions. We are saying that after 24 weeks, only for the life of the mother and the other language that I indicated, which is substantial and irreversible impairment of major bodily function.

There is a section in that provides to the Attorney General concurrent jurisdiction. This was put in at the request of the Attorney General, in reference to the fact that when we are talking about the Abortion Control Act, we are talking about a complicated law which has many reporting requirements to State agencies. There was never, in my opinion, any thought on the part of Ernie Preate to attempt to take away anything from local law enforcement. He just felt that the character-

istics of this law lent to concurrent jurisdiction, which is why we put it in. We have been advised today, however, that the Attorney General met with the District Attorneys Association, and they had a concern about this, not on the issue itself but because they perceived it to be an encroachment on their primary jurisdiction law enforcement powers. The Attorney General—and I might add, I have the highest respect and friendship and affection for Ernie Preate, who has been a strong defender of the sanctity of all human life—he does not want to be involved in a turf war with local law enforcement. He does not want that perception, and therefore, he requested if we would please consider deleting this section. I agree, we do not want to be involved in a turf war with local law enforcement, and at the request of the Attorney General, I will be introducing an amendment which merely takes this section out.

Publicly owned medical facilities—and we do not have many in Pennsylvania—that is a hospital that is wholly owned by the State or a municipality. We only have a few. Existing law says that there can be no abortions in these facilities except life of the mother, rape, and incest, unless there is no abortion facility which performs abortions within a 20-mile radius of that hospital, that State or municipally owned hospital. Because of the Webster decision, we are taking out the 20-mile radius, and so what the law will say now is, any State or municipally owned hospital can only perform abortions when necessary to save the life of the mother and in cases of rape and incest.

That gets us down to the issue of nontherapeutic fetal experimentation and the use of fetal tissue. One section says there can be no nontherapeutic experimentation on the unborn child, and that means experiments on the living unborn baby which are not designed to assist the health of that unborn baby. That remains, a flat-out prohibition, and I do not believe we have heard any objection to that.

As originally drafted, the bill also had a prohibition against the use for transplant or research of any and all fetal tissue and organs which are received pursuant to an induced abortion. It had nothing to do with spontaneous abortion or a miscarriage but an induced abortion, under a lot of rationales, including, you cannot separate good from evil; no apparent good can come from an evil - the killing of an unborn child. A number of strong prolife legislators came to me and expressed a concern in this regard, and their argument is basically this: Look, we oppose abortion; we think it is an anathema; if we ever get the chance, we will vote to outlaw it, but unfortunately, right now under the court decisions, abortion is the law, abortions are permitted, abortions are going to occur; because of that, why not have some good come out of it? Let me point out that that opinion is not shared by the prolife movement, nor is it shared personally by me, but these are legitimate concerns of members for whom I have a high regard and who have always defended the sanctity of human life, and I do not denigrate their concerns. Because of that, we took out the prohibition, and the amendment you are considering right now does not prohibit but regulates the use of fetal

tissue and organs, and it does it in a way which we think is a commonsense approach to it.

It is modeled to a large extent after the guidelines recommended by an advisory panel to the National Institute of Health, and it requires the Department of Health to promulgate regulations which shall include but not be limited to the following: One, the decision to have an abortion must be kept separate and distinct from the decision as to whether or not to permit the use of fetal tissue and organs. Two, in preabortion counseling it cannot be used as an inducement to have the abortion, the fact that the fetal tissue and organs can be used for research or transplant. Three—and this slightly differs, slightly differs, from the NIH guidelines—the informed consent from the mother to utilize the fetal tissue cannot be obtained until after the abortion is performed. Four, money cannot be exchanged. You cannot buy the tissue, and you cannot sell it. We do not want to have a market of selling the parts of aborted babies. This also varies slightly from the NIH guidelines, because the NIH guidelines, while prohibiting compensation and remuneration, permit reimbursement for expenses. This, in our opinion, can be a huge loophole, and in fact if this research is going to do so much good, then in fact the organization who uses it should be more than happy to expend their own funds to receive these parts. Five, the recipient of fetal tissue and organs and everyone else involved in this area - researchers, hospital personnel - have to be advised as to the source of the fetal tissue and organs. They have a right to know, in their good conscience, where these organs and where this tissue is coming from. And finally, the mother cannot designate in advance the recipient of the tissue and the organs, and I say the mother, but of course, after the abortion she is no longer the mother.

In addition, it should be remembered that this issue is very unsettled on the Federal level. As you are probably aware, since mid-1988 there has been a moratorium on all Federal funding for this type of research. That moratorium continues today. It may well be extended. In fact, the possibility exists that down the road the President could issue an Executive order in this regard. Therefore, the language requiring the Department of Health to promulgate regulations, which shall include the areas I have enumerated but shall not be limited to, permits the Department of Health to continue to monitor this area, particularly on the Federal level, and make any appropriate regulations which it deems appropriate, which regulations, of course, would have to go through IRRC (Independent Regulatory Review Commission).

Now, I should point out that there is a difference of opinion on this issue among members of good will who support the life cause. Because of this, an amendment will subsequently be offered, which I will not discuss—it will not be offered by me—which will place the bill back to where it was originally. It flat-out prohibits instead of regulates the use of fetal tissue and fetal organs, and there will be extensive debate on that.

That, by and large, is a synopsis of the provisions of the Abortion Control Act. We think it is a moderate, commonsense approach to this issue. We carefully studied Webster.

We know the dangers of attempting to go too far too fast, and we have tried to avoid those pitfalls. I firmly believe, whether or not one is for or against the right to an abortion, a rational person will be hard pressed to oppose any of these commonsense provisions.

A few final remarks. I have been the point man on this issue for over 10 years. I have never attempted to personalize it. I have never pointed my finger and said, if you do not do this, you are not prolife. I can tell you what the position of the prolife movement is; I can tell you what my position is, but I cannot make that statement. I have never said that if you support abortion, you are evil. I cannot make that determination. I think you are wrong, and I can say that, but I have never attempted to personalize it. And I understand that members - decent, reasonable members - can disagree on this issue. Everybody knows where I stand, and I stand on it because of the fact that I want to be able to look in the mirror every morning, and I have to do what I think is right, and each of us has to do that accordingly.

But I have heard personalizations of our members that they have been hypocrites, that they have never believed in this, that now it is different with Webster because of the fact that they did not think it would ever become law before. I have heard that from groups and from other members. I have heard that some of us have hidden agendas, where we do not want to save life but we hate women and you can tell that by the looks in our eyes and the tones in our voices. I have heard this called Steve Freind's agenda. This is not Steve Freind's agenda. This is a bill that was prepared by a host of prolife legislators, attorneys, and officials of prolife organizations, and it is cosponsored by 73 members.

I have always tried to avoid the danger of taking myself too seriously. I have always attempted to have the ability to make fun of myself, and given the fact that there is so much material, that has not been difficult. And I have always been aware of the danger of letting ego get involved here. This issue is far bigger than Steve Freind or Joe Pitts or Karen Ritter or Babette Josephs. It is bigger than all of us, and I just want to say that personalizations aside, I have never questioned the motives of people on either side, and it has been one of the very great honors of my life to be associated and work with so many members on both sides of this aisle who in their hearts and in their guts believe in the sanctity of human life and are willing to take the stand on a very difficult issue.

I think we have put together a great bill, and I sincerely hope that it is overwhelmingly adopted by this chamber. Thank you, Mr. Speaker.

The SPEAKER. The question before the House is, will the House adopt the amendment offered by the gentleman? On that question, from Lehigh County, the Chair recognizes Representative Ritter.

Ms. RITTER. Thank you, Mr. Speaker.

I rise to state my opposition to Representative Freind's amendment and to urge this House to reject this proposal, which trivializes some of the most important and difficult decisions that a woman can make. I find it ironic that I am in

my third year in the House of Representatives and I am here debating my third Abortion Control Act. May I remind my colleagues that we did this in 1987 and in 1988, and here we are again in 1989.

May I also suggest to my colleagues that it is likely that we will be here in 1990, 1991, and 1992 debating this issue or until a majority of the members of this body say enough is enough. Pennsylvania has some of the strongest abortion laws in the country on the books and has provided a litany of United States Supreme Court cases that have overturned unconstitutional antiabortion statutes. Why are we doing this today? Because we want to send still another case to the U.S. Supreme Court.

What we are doing is deciding whether or not to provide the U.S. Supreme Court with the case that will overturn *Roe v. Wade*, which made abortion legal almost 17 years ago. If that happens, Mr. Speaker, we will not be here debating specious abortion regulations which are designed to harass women and doctors, we will be here deciding whether or not abortion should be legal in Pennsylvania.

If you think you are uncomfortable now and if you sense more being at stake as you cast your votes today in terms of your political future, just think about how painful it is going to be, both personally and professionally, to decide in the not too distant future if abortion should be legal or illegal in Pennsylvania. That is the issue.

For the record, let me make it very clear to you that nobody likes abortion. I am not advocating and have never advocated abortion on demand after viability. I want to reduce the need for abortion by reducing unintended pregnancies. I believe that this country would not have the highest abortion and teen pregnancy rate in the developing world if we took sex education and family planning more seriously. But unfortunately, we do not. I believe that the best way to prevent abortions is to help women not get pregnant in the first place.

Many women who experience unintended pregnancies have used contraceptives that failed. Fifty thousand seven hundred and eighty-six women in Pennsylvania made the decision to have an abortion in 1988. According to the Population Crisis Committee, Mexico, our neighbor to the south, has approximately the same number of abortions annually as this country does - about 1.5 million - but all abortions in Mexico are illegal. An estimated 140,000 Mexican women died last year as a direct result of consequences of illegal abortion; almost 1 in 10 Mexican women who have abortions dies. By contrast, in 1988 six women died in this country, where abortion is legal. Again, by voting for this legislation you will be taking another step toward a vote on whether or not abortion should be legal in Pennsylvania.

Now, Representative Freind would have you believe that a woman can have an abortion during all 9 months of pregnancy and that that is what prochoice people support. This could not be further from the truth. Of the over 50,000 abortions performed in Pennsylvania in 1988, 93.5 percent were performed in the first trimester of pregnancy, according to figures from the Pennsylvania Department of Health. There

were 127 abortions from the 23d to the 26th week of gestational age, which begins 2 weeks before conception in this legislation. In all of Pennsylvania last year, there was just one abortion in the third trimester. Any procedure performed after the 24th week is considered a premature delivery, and every effort is made to save that child if it is possible for the child to survive. These premature deliveries are performed because of serious health complications to the woman or her child. Saline abortions and D and E's are not performed after viability in this State or in any other State, so the "abortion" that Representative Freind refers to that can be performed up to 30 seconds before birth simply means that the baby will be delivered 30 seconds earlier; that is all.

By now we have all heard Representative Freind's recitation of the terrible story of Dr. Melnick and West Park Hospital so many times that we can probably repeat it word for word. Let me say at the outset, in this instance I do agree with Representative Freind - what the doctor did was wrong, illegal, and punishable under the laws of this Commonwealth. The doctor was charged, tried, and convicted under the infanticide provision of current law. That story is an aberration but one that suits Representative Freind's purposes in attempting to convince you that women are having late abortions as a matter of whim. Believe me, they are not.

So what is wrong with this bill? Let us start with the definitions. We have defined "gestational age" to mean a probable 2 weeks before a woman conceives. So the prohibition on abortions after 24 weeks gestational age is 22 weeks or less postconception, which bumps right into a few cases where amniocentesis results may show severe fetal anomalies.

We have also now defined "unborn child" and "fetus" as meaning the same thing - from fertilization until live birth. Now, the doctors that I have talked to call a fertilized ovum an embryo until 8 weeks postconception, and then they call it a fetus until it is born. But Representative Freind wants us to think of all fertilized eggs, even at the moment the sperm enters the egg, as an unborn child. Now, I do not doubt that the potential for a child exists, nor do I contest the notion that there is life there, but I firmly believe that the woman's rights are more important until that time in the pregnancy when the fetus can survive outside the woman's body. I also believe that religious differences of opinion must be respected, as different religions approach the issue of when life begins from different perspectives.

From the beginning of time women have borne and raised children. Why cannot we trust women to make their own decisions about whether or when to have a child? Must we continually subject women and their doctors to unnecessary, expensive, and time-consuming delay in order to satisfy the wishes of my antichoice colleagues? Make no mistake about it, this bill will not prevent abortions. It is not designed to prevent abortions. All it will do is add time, money, and hassle to women in Pennsylvania seeking abortions and the few doctors who still provide them, and provide the all-important challenge to *Roe v. Wade*.

Women are not stupid, as this bill would have you believe. When a woman makes up her mind to have an abortion, she knows what she is doing. That does not mean she takes it lightly, that does not mean that there are no emotional consequences for her actions, and that does not mean that it is an easy decision for her to make, but the important point here is that it is her decision to make, based on her judgment and the circumstances of her life. It is not for us in government to make that decision, to interfere and intrude in one of the most personal and private decisions that a woman can make.

A woman will involve her husband in the decisionmaking process if theirs is a healthy relationship. Who are we to intrude in something so private and force someone to write down in their medical records that their husband is not the father of their child, that they fear physical abuse, or that, most intrusive of all, if the pregnancy results from spousal rape, the woman must report it to the police. This is not the role of government in the marital relationship.

The 1989 version of the Abortion Control Act, which 73 of my colleagues saw fit to sponsor, most without seeing the actual language, also requires that a woman wait for 24 hours after receiving informed consent before she can have the abortion. Ostensibly this waiting period is to give her time to think about what she is doing so that perhaps she can change her mind. Now, the odds are that this woman has been pregnant for 6 weeks to 2 months and possibly longer. She has decided what she wants to do. She has called the clinic for an appointment, which I am sure she is not looking forward to, and now we want her to wait for another 24 hours—or more in most cases, since clinics do not perform these procedures every day in many areas of the State—we want her to wait for another 24 hours after receiving informed consent. For what purpose? Or should I say, for whose purpose?

Last year women from each and every county in this State had abortions. Most of them could not have them in their own communities because there are no abortion providers there, so they have to travel, just like pregnant women in rural areas frequently have to travel for prenatal care. There are abortion clinics in Allegheny, Chester, Dauphin, Delaware, Lehigh, Montgomery, Philadelphia, and York Counties - that is eight. A few abortions were performed in 17 other counties. The residents of the remaining 42 counties have to travel, many for considerable distances. For some it is easier to go out of State. Now we will have them either make two trips or stay overnight. More time, more expense, more travel. Pennsylvania has the largest rural population in the country, and for those of you who represent rural areas, you know how difficult it is for people to get health care. Now we have these women, who must leave their communities to get this procedure, coming to a strange city for an abortion. Their husband, boyfriend, parent, friend, or sibling may or may not be with them. They may have to run the gauntlet of antiabortion protestors to get into the clinic, and now there will be another 24-hour wait before they can get the procedure. Will the antiabortion protestors be taking down license plate numbers, as they have been known to do, so that they can call these women's fami-

lies? Will they follow these women back home, or to a motel, and try to convince them not to have an abortion?

This provision, this 24-hour waiting period, was struck down by the U.S. Supreme Court in 1983 as unconstitutional harassment. It will add time and expense to the abortion procedure. No big deal, you say; so she has to wait 24 hours. Tell that to the women who live in the real world.

And what shall we do about sex selection abortions? This is a terrible practice in other countries like India and China, but we do not do it here. Now, Representative Freind, in one of his amazing memos, compares this to the NBA (National Basketball Association) rule, "no harm, no foul." This is not a basketball game. This is not trivial. Women in our country do not have abortions for this reason. But think about it. The reason this provision is included in this bill is not to stop this horrible practice. It is included because this section directly challenges *Roe v. Wade*. That is what is going on here. And will someone please tell me just how it is that a doctor, who risks a felony conviction for performing an abortion for this reason, will know that this is someone's reason for having an abortion? Can you imagine the cross-examination that would have to take place to prove that someone actually did this?

This provision will not pose a particular problem for the vast majority of abortions performed in Pennsylvania, because they are done, as I said, before it is possible to detect the sex of the fetus. But what of sex-linked genetic disorders like hemophilia or Duchenne's Muscular Dystrophy? Although we say in this section "solely" because of the sex of the unborn child, how is someone to prove that it is solely for this reason? Who makes that determination?

Many of my colleagues will be sharing the responsibility today to debate portions of this legislation, and I will not attempt to do it all now, but there is one piece of this legislation that strikes me as particularly onerous and very mean-spirited. In the prohibition against abortion after 24 weeks, there is a particular exclusion for suicide. It actually read in the original version of the Abortion Control Act, which we saw for the first time less than 3 weeks ago, "No abortion shall be deemed necessary to prevent the death of a pregnant woman if such death would result from suicide." I can only hope that most of my colleagues did not know this language was in there before they sponsored this legislation. Now it reads, "No abortion shall be deemed authorized under this paragraph if performed on the basis of a claim or a diagnosis that the woman will engage in conduct which would result in her death, or in substantial or irreversible impairment of major bodily function." Now, this change only addresses women who have in fact attempted suicide, but makes no exceptions for women who have been diagnosed with mental illnesses that make them suicidal. I encourage you once again to read the case studies from CHOICE (Concern for Health Options: Information, Care and Education) in Philadelphia that you received from Representative Hughes about the women who attempted to self-abort or kill themselves rather than carry to term. Are we to say to the doctors, psychiatrists, and social workers who deal with these tragic situations, yes,

tell this woman to go ahead and kill herself and her baby; we cannot help her? Do we say that to the woman who was so desperate in Philadelphia that she stabbed herself in the stomach, or to the woman in my hometown who took five packs of birth control pills, or the women who tried to overdose on cocaine and alcohol, because they could not figure out what else to do? As I said, what about women who already have diagnosed mental illnesses?

Let us please remember that in situations like this people are desperate. We owe them compassion and understanding, not cruelty and heartlessness. Think of what it must be like for a psychiatric social worker to tell a woman that she is sorry, but the legislature said that if she was going—

Mr. LETTERMAN. Mr. Speaker?

The SPEAKER. The Chair recognizes the gentleman from Centre County, Mr. Letterman. For what purpose does the gentleman rise?

Mr. LETTERMAN. Mr. Speaker, I have my doubts if the speaker is staying on the amendment. I have been listening and I would think that today is going to be long enough if we do not stick to the amendments. If you are going to do it, do it point by point and let us hear it and not just ramble on about every doctor in the United States. We do not need to hear that.

The SPEAKER. The day will be indeed long if we interrupt the speakers. The lady is speaking on the amendment. The Speaker determines that she is on the amendment.

Mr. LETTERMAN. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. LETTERMAN. I will continue to insist that we stay on the amendments.

The SPEAKER. All members must stay on the subject before the House. The subject before the House is the amendment.

The lady is in order and may continue.

Ms. RITTER. Thank you, Mr. Speaker.

Think of what it must be like for a psychiatric social worker to tell a woman that she is sorry, but the legislature said that if she was going to kill herself because she could not have an abortion, that she should just go ahead and do it. How many women will be permanently impaired, or will just die, in their attempts to do something to seek help? Talk to some of the people who deal with these situations all the time and ask them how hard it is to get the system to believe that someone is really going to do this. I entreat you to get rid of this provision.

Mr. Speaker, I want to conclude my remarks by saying that this issue is one that has the potential to tear our legislature, our State, and our country apart. It appears to have the potential to change the political landscape in the State. It has already assumed some aspects of a civil war, and I expect it will get worse before it gets better, unfortunately. It is my sincere hope that our activities today will reflect thoughtful deliberation. This issue is too important and affects too many lives not to pay attention, read, question, and consider.

In the aftermath of the Webster decision last July, the Supreme Court changed everything and nothing at the same time. The major body of law dealing with this subject has not changed, and the Supreme Court itself is being pulled apart over this issue. This amendment before us today does not incorporate any provision of the Webster decision. I intend to offer an amendment today to use the U.S. Supreme Court's language from the Webster case about viability testing, which the sponsors of this legislation have not done.

I ask my colleagues to resist the pressure to be the ones to give the court the test case to overturn Roe, and I ask you to realize that we may reap a bitter harvest from our actions today. For too long many of my colleagues have been comfortable in voting against a woman's right to choose, because they always thought the court would be there to back them up. That may not be the case anymore, and we will all have to live with the repercussions of what we do here today. I urge my colleagues to look down the road ahead and imagine a State without safe and legal abortion. Imagine the pain and suffering that that would cause thousands of women and their families in the years ahead. And finally, Mr. Speaker, I urge my colleagues to remember one thing: Trust the women to make these important decisions for themselves.

I urge a "no" vote on the Freind amendment. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment? On that question, the Chair recognizes, from Philadelphia, Representative Harper.

Mrs. HARPER. Thank you, Mr. Speaker.

I rise to ask the members to reject Representative Freind's amendment. I refer especially to section 3209, "Spousal notice."

I would just like to say that I cannot imagine a woman being in the position of going to her spouse to ask him for permission for what she can do with her body. I know from self-experience. I am the mother of two children, and I told my husband that we can only afford two children; I will not have any more children, and I would not think of going to him to ask him what can I do with my body, and I would not try to enforce that on any other woman.

This legislation will only harm poor women, women who cannot afford to have an abortion. They will revert to back rooms, the coat hangers, and self-abortions.

I would just like to say that I would like to see a number of legislators work hard on family planning. We would not have all of these abortions if we would work on education, educating women, and family planning. That is where the problem is - in the lack of family planning.

I just read this article in the Patriot-News today on health care. Half of the poor children are not receiving health care. Why cannot we fight for health care for senior citizens and poor children? We are not concerned about women. We are not concerned about poor children. We are only concerned about telling women what they can do with their bodies. Well, I am here to tell you this is one whom you will not tell. No one has been able to tell me, and I will fight for other women to

have that choice. I will fight to the bitter end for the right to choose. Thank you.

The SPEAKER. On the question of the amendment, from Bucks County, the Chair recognizes Representative Heckler.

Mr. HECKLER. Thank you.

I would ask that the maker of the amendment stand for a brief interrogation.

The SPEAKER. The gentleman indicates that he will stand for interrogation, and you may proceed.

Mr. HECKLER. Thank you, Mr. Speaker.

Mr. Speaker, could you inform the House how your amendment responds to the decision of the Supreme Court in Webster?

Mr. FREIND. I would be happy to, and I thought—and I am not being smart here—that that was the first thing we covered in the first memo that went out - the analysis.

The United States Supreme Court in the Webster case gave what is termed as a, quote, “rational basis,” unquote, decision as opposed to strict scrutiny. What it in fact seems to be saying is that it is permissible to regulate, restrict, and in certain cases outlaw abortions if there is in fact a rational basis for doing so. Accordingly, there are regulations in here, not just to restrict abortions but to protect the victims. There is a prohibition against sex selection, because remember, what Roe said was that only abortions which are not necessary, and that is also existing Pennsylvania law. So we are saying that sex selection is not necessary. So in point of fact, because of the rational basis decision—and if you read the opinions of the court, that is what they are giving—we have taken the opportunity to move forward in what we consider a very moderate, commonsense manner.

Mr. HECKLER. But, Mr. Speaker, it would then be fair to say that the specific areas of restriction and regulation which are proposed in this amendment were not addressed in the Missouri law which was reviewed by the Supreme Court in Webster?

Mr. FREIND. That is absolutely correct, Mr. Speaker. We have always indicated that. In point of fact, Missouri’s existing law, including those which were upheld in the Webster case, is not as protective of all the victims of abortions - the unborn baby, the mother, and others - as existing Pennsylvania law.

Mr. HECKLER. Mr. Speaker, could you please explain the purpose of the redefinitions which are contained in the beginning of your amendment of the terms “fertilization” and “conception,” “pregnant,” and “fetus”?

Mr. FREIND. Okay. With respect to “conception,” we just made it clear that “conception” and “fertilization” shall mean the same thing. We took a very verbose existing definition of “fertilization” and merely simplified it to say, “Each term”—meaning “fertilization” and “conception”—“shall mean the fusion of a human spermatozoon with a human ovum.” That is when the sperm is united with the egg.

What were your other questions, Mr. Speaker?

One of the reasons why is that this section conforms to Dorland’s Medical Dictionary, and therefore, it was merely to clarify. No hidden agenda here, Mr. Speaker.

Mr. HECKLER. Well, specifically, is it your opinion, if you have an opinion, Mr. Speaker, that the redefinitions which you propose would include an in vitro situation - the bringing together of a sperm and an egg in an in vitro situation - within your definitions?

Mr. FREIND. No more than in the present situation. We specifically in existing law exempt in vitro fertilization from any type of regulation except the reporting requirement. This legislation does not change it.

Mr. HECKLER. Could you advise us, with regard to the issue of contraception and the issue of the IUD (intrauterine device), what impact, if any, these redefinitions have?

Mr. FREIND. Absolutely none whatsoever.

Let me repeat for the record. Contraception is the prevention of life; private issue, no government interference. Abortion is the killing of an unborn child and, at least in my opinion, as a matter of public policy, should be regulated and, quite frankly, restricted as much as possible.

Let me further say that the existing definition of “abortion,” which we do not change, makes this very clear. This is abortion, quote: “The use of any means to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child except that, for the purposes of this chapter”—and we are talking about the Abortion Control Act—“abortion shall not mean the use of an intrauterine device or birth control pill to inhibit or prevent ovulation, fertilization or the implantation of a fertilized ovum within the uterus.”

Mr. HECKLER. So that it is your intention that those exceptions will continue to apply?

Mr. FREIND. Not just my intention, Mr. Speaker; we have not changed the definition. Absolutely, once again, no hidden agendas.

Mr. HECKLER. Mr. Speaker, are you aware, apart from the Melnick case, of any other late-term abortion which has been performed in the Commonwealth of Pennsylvania since the passage of the original Abortion Control Act which has resulted in the birth of a live fetus or a fetus which has been permitted to die or prevented from gaining life as occurred in the Melnick case?

Mr. FREIND. Well, number one, and not to be smart, there is no such thing as a birth of a live fetus, because by anybody’s definition, when that baby is outside the mother, that is a baby.

Number two, if it happens once, it happened too much.

Number three, the interesting part here is, had the same doctor killed the same 3-pound-8-ounce baby girl, had he been a little craftier and killed the same baby girl while she was still inside her mother, that would have been a legally permissible abortion. So in point of fact, this can occur any number of times and is legally permissible.

And as I also repeat, the Philadelphia Inquirer, in their article “Abortion: The Dreaded Complication,” indicated several years ago that it occurs at least once a day in the United States. But I have always said, Mr. Speaker, that if

everything we do results in one travesty not occurring, one abortion not being performed, particularly in an outrageous case like this, one baby being born instead of killed, then everything we have done with respect to this has been a success.

Mr. HECKLER. Mr. Speaker, is it correct that your legislation will not require—as I believe you indicated, but I would like to be clear about this—would not require any but the normal procedure which a physician would undergo to determine gestational age when confronted with a pregnant woman who is his patient?

Mr. FREIND. Absolutely, Mr. Speaker. And once again, I think you know me well enough. What you see is what you get. Absolutely the language is very clear there. If we wanted to require an ultrasound in every case, then we would say it. Reasonable standards existing in the medical profession.

Mr. HECKLER. Mr. Speaker, have you researched in any measure the kinds of medical crises which may confront a woman in a late-term pregnancy situation and her doctor which may give rise to threats to the woman's well-being and the question at least being raised of the need for an abortion?

Mr. FREIND. Well, of course, "well-being" is an extremely broad term. This bill states the position that in cases, even in late term after 24 weeks, when abortion is necessary to avert the death of the mother or to avert substantial and irreversible impairment of major bodily function, the abortion will be permissible. And once again, let me say, Mr. Speaker, we do not take this lightly. We do not take any health threat lightly. We even accommodate it with our language, with our change. But remember here that this requires by definition a very careful balancing act. When it is life/life, it comes down in favor of the mother. When it is life/irreversible and substantial cessation of major bodily function, it comes down in the favor of the mother. When it is less than that, when it is health against the life of the baby, then it comes down in favor of the unborn baby. When one is weighing life against health, the scales have to be tipped in favor of life. And that is not said in a cavalier or callous manner.

Mr. HECKLER. Mr. Speaker, would it be correct that if your amendment were enacted and became law and a woman was confronted with a situation in which she was advised in, let us say, her eighth month of pregnancy by a physician that she was carrying an anencephalic fetus—a fetus with no brain—which the physician informed her would surely be born either dead or to die within a matter of hours, is it correct that your language would prohibit her from seeking an abortion prior to whatever natural processes would produce at delivery?

Mr. FREIND. That is correct, and I believe, Mr. Speaker, we will get into extensive debate on that on the amendment. But there are some fundamental issues that have to be addressed, one of which is, if the baby might not be, quote, "normal," unquote, it is okay to kill the unborn baby. The problem you come into—and you can give every hard case in the world—is, what is normal and who is keeping score? Anencephalic. How about Down's syndrome? How about

cleft palate? How about freckles or a lisp or red hair? Other societies at other times have tried to, quote, "clean up society," and we have seen the results. This is the old, quote, "quality-of-life ethic" that argues that life is reserved for the planned, the privileged, and the perfect, and when we embrace that, we begin to cease to exist as a civilized society.

Mr. HECKLER. Thank you.

Mr. Speaker, I wonder if I might speak on the amendment?

The SPEAKER. The gentleman is in order.

Mr. HECKLER. Mr. Speaker, today I hope that for the first time the Pennsylvania Legislature is going to take up a revision to the Abortion Control Act in a real-world context. In the past, amendments have rolled through this legislature with very little question apart from whether or not they were sufficiently antiabortion. One of the saving graces to this approach to legislation has been the fact that as soon as this legislation left the Governor's desk, it was enjoined by a Federal court, never to actually have impact upon those who sent us here to legislate in their behalf. However, we recognize that today we are in a post-Webster world, and I would suggest to you that the issue is not so much whether you or I are going to have to pay some political consequence for whatever vote we cast but rather that our constituents are liable to actually have to live under the laws we pass.

Now, we are used to that in other matters, and in other matters we give careful, deliberative concern to what we do. In this matter, we have had, what? A bit more than a month's consideration since this bill was passed? We succeeded in having one hearing in the House Judiciary Committee about which the prime sponsor suggested that it was not going to change anybody's vote.

I wish each of you could have been there to hear the testimony that was presented, presumably, at least from one side, in hopes of justifying this legislation. We heard from three witnesses on the prolife side. One talked about conditions in Texas in the late 1970's and early 1980's. One talked about the issue of consent to abortions. Her experience was Massachusetts in the early to mid-1970's, and the other witness talked about the Melnick case, which we can all agree was a violation of present law, a judge having so found, and was a situation which should be against the law.

I urge that each of you think carefully about this amendment and about each of the amendments which follows. Recognize that what you are doing for the first time may actually have to be dealt with by your constituents, and consider the answers, or I would suggest nonanswers, the rhetoric, that you have just heard in response to my questions. Has there been any research or consideration to the kinds of real-world medical conditions which will confront a pregnant woman, a woman who may want very badly to bear a child but whose life, whose medical well-being, is threatened? Did you hear an adequate answer to that question?

I urge that you pay close attention to the debate as it goes forward, and I urge that we be spared that debate by the defeat of the Freind amendment. Thank you.

The SPEAKER. The question is on the amendment. On that question, from Wayne County, Representative Birmelin is recognized.

Mr. BIRMELIN. Thank you, Mr. Speaker.

I will be brief, and I will try to get right to the heart of the matter.

There are, of course, the standard arguments that we have heard all along in this debate. Obviously they will not change a whole lot of people's minds, and so I will not belabor the point. I just want to bring focus back to the issue that we are concerned with.

First of all, I think, as Representative Freind has said, this bill is a reasonable attempt to control an area of human endeavor in life that is absolutely critical and necessary in society. To suggest that women should be able to end the life of an unborn child without knowing about all of the facts, without having at least her husband, in some cases, aware of it, and to be informed and to make a choice on that is ludicrous. We would not suggest that heart transplants do that. We would not suggest that people who have major surgery just hop into the doctor's office and get it done right away without even thinking about it. So I believe it is reasonable legislation that is in the best interests of the mother and the child.

I think also we have to put the issue to the bottom line. We cannot place considerations of convenience, hardships, special cases, above that of the right to life, and that is what this bill is all about. It is about the right to life. Do we enforce it and do we guarantee it to all of our citizens, or do we say, no, we are only going to give it to those who pop out of the womb 9 months after conception, simply because they could not live on their own beforehand? Well, I think that is wrong. I think this legislation is needed. In some ways I wish it went further, but we will take it one step at a time, as Representative Freind said, and I would ask for your support of this amendment. Thank you.

The SPEAKER. The question is on the amendment, and on that question, from Philadelphia, Representative Weston is recognized.

Mrs. WESTON. Thank you, Mr. Speaker.

As a legislator I have always viewed protection of our citizens as the most important part of our job. I believe that supporting Representative Freind's amendment gives us the opportunity to do just that.

As a woman and as a mother, I fully endorse better regulating an industry which affects so many of our female citizens. Making sure that women are better informed about such a crucial decision in their lives is our serious responsibility. To give unborn children better protection, the best protection we can under the law, is just as much a serious responsibility. I believe Representative Freind's amendment brings us closer to providing the kind of protection our citizens, born and unborn, need in Pennsylvania.

I fully support this amendment. I will oppose any weakening amendments, and I urge all members to do the same. Thank you.

The SPEAKER. On the amendment, from Philadelphia, Representative Josephs is recognized.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I rise to ask my fellow House members to oppose this amendment, and I want to remind you that the rational approach which this amendment pretends to take is very misleading. I have worked on this issue; I have worked for a woman's right to choose, for a family's right to have privacy, for about 17 years, since before the decision of *Roe v. Wade* in 1973. I know that the ultimate aim of the self-styled prolife movement is to outlaw contraception. I hope that we can discuss that later on in an amendment.

But to reiterate what several of my colleagues have said, we are operating now in an atmosphere where not only do our constituents have to live or may have to live with what we pass, but the public, having felt that it has lost the protection of the court system, will turn to us to protect their rights - their right to privacy; their right to familial autonomy; their right to make deeply personal decisions without the interference of this legislature.

The question we are facing here is, who decides? Who makes this personal family decision? I would remind you that we are embarking here on a very, very slippery slope, and I can illustrate that in many ways. But let me take the proposition that we can or we should or it makes any sense to try and outlaw sex selection as a reason for terminating a pregnancy.

I believe that no woman, no family of any woman, needs to give a reason for terminating a pregnancy to her physician. If we have a First Amendment in this country that allows us to speak, I believe we have a reciprocal right which allows us under certain circumstances—and this is certainly one—to remain silent.

Right now, Mr. Speaker, it looks as if voting against a sex selection amendment, a sex selection abortion, is a throw-away, but tomorrow we may be deciding between other reasons that a woman may or may not have an early pregnancy termination. We may be back here in 6 months, in a year, trying to decide whether a woman should have an early abortion, should be allowed to have one, because she fears to suffer terrible pain in labor and delivery. Is that a good reason or is that a bad reason? Do we want to make that decision? I do not.

We may be here deciding whether a patient can have an abortion because the pregnancy was a result of a sexual assault. What kind of a sexual assault? Is there a bad sexual assault? Is there a better sexual assault? I do not want to make these decisions. I do not want to make these decisions for my constituents and for the public of Pennsylvania, and I do not believe that citizens in Pennsylvania want me to make those decisions for them.

I also would like to address the question of parental consent, which we will debate later under some amendment. The so-called self-styled prolife caucus has tried to give the public and the rest of our colleagues—

The SPEAKER. Will the lady suspend.

Ms. JOSEPHS. Certainly.

The SPEAKER. The question is on the amendment. We are only permitted to discuss the amendment that is before us, not amendments that will be taken up later in the afternoon.

The lady is in order to continue on the amendment.

Ms. JOSEPHS. Thank you, Mr. Speaker. I stand corrected.

I also do not want to characterize any person here or to get personal with any of my colleagues, but I wish you would look at this amendment carefully and see with me that it really is a terrible insult to the women of this State and their families.

I am sorry to again hear the maker of this amendment go through a description of the medical procedure that we are talking about. Medical procedures are not pretty. None of them are. This procedure is not pretty. I have known people, indeed, to faint at childbirth. This is no reason for discouraging childbirth.

I think that this legislation assumes that women are too foolish, too silly, too evil, too immature to understand what they are doing. I do not believe the women in Pennsylvania are too evil, too silly, too immature, or too foolish to make this decision on their own.

When we are talking about prohibiting sex selection abortions, I believe the amendment says, you women do not understand how serious this decision is, so we will tell it to you for you. I do not believe that women in Pennsylvania trivialize this decision. I do not believe they are frivolous, and I have trust in them. I think the public understands. The question is, who decides?

I urge you to have faith in the people who sent you here and who pay our salaries, and I urge you to vote "no" on this amendment. Thank you, Mr. Speaker.

On the question recurring,
Will the House agree to the amendments?

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. Members must indicate to the Chair their seeking of recognition. The Chair checked every microphone, and no one was seeking recognition when he called for the vote.

Strike the vote. The clerk will strike the vote.

The Speaker would like to impart some information to the members of the House.

We are in receipt of some 80 or more amendments to the legislation before us today. The minority leader earlier this morning indicated to the House, and the majority leader, that we would get through the legislation before us if members were succinct. I am not sure what that means, but I am sure that we are not being succinct.

The question is on the amendment. On that question, from Allegheny County, Representative Itkin is recognized.

Mr. ITKIN. Mr. Speaker, I apologize to the House for the long day that we are apparently going to be faced with. I am

sure most of us feel that we would prefer not to address this issue and somehow have it go away. I certainly would subscribe to that. I did not bring this issue before this House today; others did.

I am concerned, however, about the manner and the extent to which the measure that we are now considering will affect the people of Pennsylvania, and I am concerned about the continuing erosion of what I perceive are constitutional protections and freedoms guaranteed to every American.

You know, many of us are concerned about the American flag, and we wish to see it kept whole and untarnished. But recently we have been seeing the fabric of our Constitution torn, and unfortunately, too many of us do not seem to respect or recognize that fact.

You know, we took an oath to uphold the Constitutions of Pennsylvania and the United States and to not support those measures which violate those sacred documents. If you do not believe the Constitution of the United States is a sacred document, then you ought not be here, because we are the ones that represent our constituents, and in fact if we believe that something ought to be changed and it is not in the Constitution, then we have a procedure to change that Constitution.

Mr. Freind, in the offering of his amendment and discussing the amendment, stated that his amendment did not reverse *Roe v. Wade* and that that decision still held. Now, I am not a legal scholar, Mr. Speaker; I am not even an attorney. I am a scientist by past practice, but I can read the English language, and I have been trying to understand how your amendment does not violate the Constitution of our country. If the House will only give me a few minutes to provide you with the documentation, I think it will become clear that the Constitution is being violated by this amendment.

In 1979 the Supreme Court, in *Colautti v. Franklin*, stated, "The determination of whether a particular fetus is viable is, and must be, a matter for the judgment of the responsible attending physician, and any state regulation that impinges upon such determination, if it is to be constitutional, must allow the attending physician the room he needs to make his best medical judgment."

POINT OF ORDER

Mr. GALLEN. Point of order, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Gallen. For what purpose does the gentleman rise?

Mr. GALLEN. Mr. Speaker, if the gentleman wants to discuss constitutionality, he should raise that question. We are not on constitutionality.

The SPEAKER. The gentleman may discuss whether the issue before us is constitutional or not constitutional and raise the question or not raise the question as he chooses. He is debating the amendment.

Mr. ITKIN. Thank you, Mr. Speaker.

The court went on to say that since the point of viability may differ with each pregnancy—and this is the Supreme Court, not a lower court speaking—"neither legislatures nor

the courts may proclaim one of the elements entering into the ascertainment of viability—be it weeks of gestation, fetal weight, or any other single factor—as the determinant of when the state has a compelling interest in the life or health of the fetus” for purposes of regulating abortion.

In 1986 the court went on, in *Thornburgh v. American College of Obstetricians and Gynecologists*, to reaffirm this *Colautti* decision, and to the best of my knowledge, the *Webster* decision did not address this issue, and so the constitutional point is that this legislature may not prohibit abortions before viability, and the insertion of a period of time of 24 weeks strikes in the face of the constitutional language and the opinion rendered by the majority of that court in handing down the decision affecting abortion.

Consequently, the issue here is not one of whether Mr. Freind is right or wrong or whether those that subscribe to Mr. Freind’s position have the better public policy. It is on its face unconstitutional, and until the Supreme Court rules otherwise, we are bound by its decision.

CONSTITUTIONAL POINT OF ORDER

Mr. ITKIN. Consequently, Mr. Speaker, I will now make a motion that this amendment is unconstitutional, and I ask the House to declare it so, that the amendment is unconstitutional, and declare it to be null and void. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Allegheny County raises for the House’s determination the question of whether or not the amendment offered by Representative Freind is constitutional. The House must decide the question of constitutionality. It is a debatable issue, and the issue is whether or not the amendment before us is constitutional. All further debate at this time must be directed to constitutionality.

On the question,

Will the House sustain the constitutionality of the amendments?

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind, on the question of constitutionality.

Mr. FREIND. Thank you, Mr. Speaker.

Before I begin, a point of parliamentary inquiry.

The SPEAKER. You may state the point of parliamentary inquiry.

Mr. FREIND. I forget, but I believe that the question when we vote on it will be couched, is it constitutional or not? So a “yes” vote says it is constitutional; a “no” vote, it is unconstitutional. Is that correct?

The SPEAKER. That is correct.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to ask for a “yes” vote. Very briefly.

The Governor, as you well know, has always had a concern about constitutionality, as I well know. The Governor and his office strongly believe—and one can make a compelling argu-

ment—that even if the court had not changed, these provisions are constitutional.

Remember what *Roe v. Wade* said, and what it said was that abortions which are necessary are permitted. So the issue comes down to, what is a necessary abortion? It strikes me, for example, that even the old court would find that it is not a necessary abortion to have sex selection; that it was not an infringement on an abortion to have informed consent; that in fact an abortion after 24 weeks, except to save the mother’s life or to avert substantial and irreversible impairment of major bodily function, can never be considered necessary. So there is a framework right now where in fact each provision could be ruled constitutional. Remember this, however: Simply stated, when you cut to the chase, constitutionality is what five or more Justices of the United States Supreme Court at any given time say it is.

In 1973 seven Justices said it was not constitutional to outlaw abortion. We have seen that change. We have read the opinions in *Webster*. We have read, for example, Justice Scalia’s opinion that says flat-out, *Roe* ought to be reversed, and the other opinions that question *Roe*. The only way that that issue can be resolved is to permit the court the opportunity to once again review legislation.

Under the rationale to do nothing and never change once a court comes down, we would be stuck with the decision of the United States Supreme Court in 1857 in the *Dred Scott* case that said that slavery was legal; that it was institutionalized; that a slave was not a citizen, and we were not sure whether or not a slave was a human being. *Plessy v. Ferguson* - separate but equal.

In all of the inroads we have made on civil rights and a host of other areas, what the argument seems to be is, stand with our feet in concrete. I think it is a bad idea. I think this is constitutional. I ask for a “yes” vote.

The SPEAKER. The question is whether or not the amendment offered is constitutional and can be considered by the House. On that question, the gentleman from Cumberland County, Representative Broujos, is recognized.

Mr. BROUJOS. Mr. Speaker, the speaker, Representative Freind, was incorrect when he said that *Roe v. Wade* did not discuss or in fact held constitutional the provision on sex. *Roe v. Wade* said, in the first trimester, “...the attending physician, in consultation with his patient, is free to determine, without regulation by the State, that, in his medical judgment, the patient’s pregnancy should be terminated. If that decision is reached, the judgment may be effectuated by an abortion free of interference by the State.” That section with respect to sex determination, or having an abortion only for sex, regardless of what you think of it as a policy matter, good or bad—and I believe that there should not be an abortion—is in fact covered by *Roe*, and *Roe* said that there shall be abortion in the first trimester without regulation by the State. In fact, this question was not faced by the *Webster* decision, and in fact, *Webster* said *Roe* was not overturned.

In addition, on constitutionality, in the Abortion Control Act of 1982, there were about seven requirements for

informed consent. Those seven requirements were stricken in *Thornburgh v. American College of Obstetricians* in 106 Supreme Court. It was found unconstitutional. It is only the hope of Representative Freind that this court will reverse it.

He spoke of *Roe v. Wade* being decided in 1973. Well, he is correct that there were different Justices in many respects and beliefs and that it was a long time, but in fact, the *Thornburgh* decision was in 1986, 3 short years ago, and it was a unanimous court of nine Justices that decided that. So it is not a new court. It is not what this court today says it is. It is a question of respecting the decisions of the court and respecting Webster when it says *Roe v. Wade* was not overturned in this regard.

So there are many unconstitutional provisions in Representative Freind's amendment, and you should consider that in your deliberations. Thank you.

The SPEAKER. The question is on the constitutionality of the amendment. On that question, Representative Itkin from Allegheny County is recognized.

Mr. ITKIN. Mr. Speaker, the gentleman from Delaware County, Mr. Freind, mentioned that abortions are not offered on demand and must be necessary. However, the current law talks about necessary as being the clinical judgment of the physician, not of the State, and that is the way it should be, Mr. Speaker. The woman, in consultation with her physician, ought to make that judgment, and the physician ought to use his medical, professional judgment as to whether the abortion is required, as any medical procedure.

Mr. Speaker, Mr. Freind has not cited to me and to this House any rational reason, any citation, any language in Webster or any other prior determination of the Supreme Court, that countermands the language that I mentioned as written opinions by the Supreme Court of the United States. I mean, I would like to be educated. I ask him right now, please cite to us here in this House the appropriate section of some majority opinion of the Supreme Court that says, yes, with respect to the 24-week point on viability, here is what it says. I await his answer, Mr. Speaker.

The SPEAKER. Is that a request for interrogation?

Will the gentleman consent to interrogation?

Mr. FREIND. One does not have to be a math genius to be able to count up to nine.

The SPEAKER. Do not pay any attention to me.

Mr. FREIND. Pardon me?

The SPEAKER. The gentleman indicates he will consent to interrogation.

Mr. FREIND. Thanks, Mr. Speaker.

To the contrary of what Mr. Broujos said, *Thornburgh* in 1986 was 5-4, Justice Sandra Day O'Connor coming down on the side of the constitutionality of that statute. That was at a time when Justice Kennedy in fact was not on the court. If one looks at the language, for example—and the court places Colautti right in there with *Roe v. Wade*—the Rehnquist opinion, "There is no doubt that our holding today will allow some governmental regulation of abortion that would have been prohibited under the language of cases such as Colautti

v. Franklin...and Akron v. Akron Center for Reproductive Health." That is just one quote. In fact, those opinions are replete with statements by five Justices that in fact legislative bodies are now permitted to do things that they could not, and as a matter of fact, in addition to the strict opinion by Justice Scalia that said, let us overturn *Roe* now, the opinions of the other four Justices contained very direct invitations to legislative bodies to do precisely what we are doing right now, to provide at least one provision that gives the court the opportunity to once again look at *Roe* and give it the opportunity to overturn *Roe* or to continue the erosion process begun under Webster.

Under your rationale, Mr. Speaker, we would have had no advances whatsoever in the last 200 years in issues such as slavery, civil rights, and a plethora of other issues. Thank you.

Mr. ITKIN. So, Mr. Speaker, the answer by the gentleman from Delaware is that we will pass today an unconstitutional act, in violation of our oath, in the hopes that perhaps, by inferences, some members of the Supreme Court may change their minds later on or in fact when the issue comes to the courts 2 or 3 years from now, it will be adjudicated as being constitutional. Right now the law of the land is the Supreme Court's current determination. That is what we are bound to abide by. That is what we took an oath to uphold, not the fact that we will pass an unconstitutional law and hope that our favorite President might anoint a member to the court who might see the Constitution in a different light. Mr. Speaker, whether it be 9 to zero or 5 to 4, that is the way our government and that is the way the laws of our land work, by a majority.

I say to you again, Mr. Speaker, that the language you have presented to the House today is patently unconstitutional. You have made no reference to anything to cite to the contrary, and I hold it out to my members here that the only course of action for us to be constitutional is to vote in the negative on the constitutionality motion. Thank you, Mr. Speaker.

The SPEAKER. The question is on whether or not the amendment is constitutional. On that question, from Bucks County, Representative Heckler is recognized.

Mr. HECKLER. Briefly, Mr. Speaker, two points.

Upon earlier interrogation the maker of this amendment suggested that we are engaged in this exercise as a response to Webster, that Webster articulated a new test, a rational basis test. I would suggest to you that only four of the nine Justices adopted such a standard, that in fact Justice O'Connor and the dissenting Justices adhered to the strict scrutiny standard and in fact decided Webster on that basis.

Secondly, I would not have believed it, but I actually dug through the back memos that we have all received from the maker of this amendment, one of which acknowledges, just as the speaker has, that the whole exercise we are engaged in is to propound provisions which challenge *Roe*. I would submit to you—and I have no illusions about how this vote is going to go—but I would submit to you that the whole purpose of this

exercise is to provide a vehicle to challenge Roe and that the legislation we are about to vote on is not constitutional. Thank you.

The SPEAKER. The question is whether or not the amendment is constitutional. Those believing that the amendment is constitutional will vote in the affirmative; those believing that the amendment is not constitutional and therefore out of order will vote in the negative.

On the question recurring,

Will the House sustain the constitutionality of the amendments?

The following roll call was recorded:

YEAS—142

Adolph	Dietterick	Kondrich	Robbins
Allen	Dininni	Kosinski	Ryan
Angstadt	Distler	LaGrotta	Rybak
Argall	Dombrowski	Langtry	Saloom
Barley	Donatucci	Laughlin	Scheetz
Battisto	Durham	Lee	Schuler
Belardi	Fairchild	Leh	Scrimenti
Billow	Fargo	Lescovitz	Semmel
Birmelin	Farmer	Letterman	Serafini
Black	Fee	Levdansky	Smith, S. H.
Blaum	Fleagle	Lloyd	Snyder, G.
Boyes	Flick	Lucyk	Staback
Bunt	Foster	McCall	Stairs
Burd	Fox	McHale	Steighner
Burns	Freind	McNally	Stish
Bush	Gallen	Maiale	Strittmatter
Caltagirone	Gamble	Markosek	Stuban
Cappabianca	Gannon	Marsico	Tangretti
Carlson	Geist	Mayernik	Taylor, E. Z.
Cawley	George	Melio	Taylor, F.
Cessar	Gigliotti	Micozzie	Taylor, J.
Chadwick	Godshall	Morris	Telek
Civera	Gruitza	Mrkonic	Tigue
Clark, B. D.	Gruppo	Murphy	Trello
Clark, D. F.	Haluska	Nailor	Veon
Clark, J. H.	Hasay	Noye	Vroon
Clymer	Hayes	O'Brien	Wass
Cohen	Herman	Olasz	Weston
Colafiglia	Hess	Perzel	Wogan
Colaizzo	Howlett	Pesci	Wozniak
Cole	Jadlowiec	Petrarca	Wright, D. R.
Corrigan	Jarolin	Petrone	Wright, J. L.
Coy	Johnson	Phillips	Yandrisevits
DeLuca	Kaiser	Pitts	
Daley	Kasunic	Raymond	Manderino,
Dempsey	Kenney	Rieger	Speaker

NAYS—59

Acosta	Hagarty	Michlovic	Ritter
Bishop	Harper	Miller	Robinson
Bortner	Hayden	Moehlmann	Roebuck
Bowley	Heckler	Mowery	Rudy
Brandt	Hughes	Nahill	Saurman
Broujos	Itkin	O'Donnell	Smith, B.
Carn	Jackson	Oliver	Snyder, D. W.
Cornell	James	Piccola	Thomas
Cowell	Josephs	Pievsky	Trich
DeWeese	Kukovich	Pistella	Van Horne
Davies	Lashinger	Pressmann	Wambach
Dorr	Linton	Preston	Williams
Evans	McVerry	Reber	Wilson
Freeman	Maine	Reinard	Wright, R. C.
Gladeck	Merry	Richardson	

NOT VOTING—0

EXCUSED—2

Belfanti Hershey

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the amendments was sustained.

On the question recurring,
Will the House agree to the amendments?

The SPEAKER. On that question, from Lancaster County, Representative Brandt is recognized.

Mr. BRANDT. Thank you, Mr. Speaker.

After serving quite a few years in this chamber, on no vote have I come to the floor till this time realizing how I was going to vote. I read with interest and reviewed all the information we received on this issue from both sides and listened to the debate very closely between Representative Freind and Representative Ritter. Previously I was voting for the personal choices of women, and on looking at Representative Freind's amendment, in individual sections, one could possibly support them. However, Mr. Speaker, I feel at this time we once again on this House floor are attempting to legislate a medical decision, and I urge you to vote against the Freind amendment.

The SPEAKER. The question is on the amendment. From Allegheny County, Representative Farmer is recognized.

Mrs. FARMER. Thank you, Mr. Speaker.

Mr. Speaker, I am hearing on both sides of this issue general agreement with respect to some restriction on abortion after the viability of 24 weeks. But I have had many people in my district, Mr. Speaker, who have contacted me who felt that the subject of abortion is a very private matter that should not be decided by government, and these concerned citizens in particular felt that in section 3209 of Mr. Freind's amendment, the spousal notice, for example, was a prime example of unneeded governmental intervention in the daily lives of these residents. While I oppose the spousal notice portion of this amendment, I am in agreement with Mr. Freind on many other sections of his amendment.

I am disappointed that our process today with amending this Senate bill will put the cart before the horse; in other words, Mr. Speaker, that we must address the entire amendment first before we have the opportunity to hear what types of amendments will be offered to deal with this invasion of privacy. For that reason, Mr. Speaker, I will not be with you on your first vote. Thank you kindly.

The SPEAKER. The question is on the amendment. On that question, from Allegheny County, Representative Olasz is recognized.

Mr. OLASZ. Mr. Speaker, death is not denominational, nor is it the opinion of any individual where the real issue of abortion is concerned. Abortion is wrong not because the representatives of any religious denomination or individuals say so; it is wrong because it kills innocent human life.

I believe an unborn baby is a human being. This belief transcends any religious affiliation, regardless of what any court or any individual may say. A human being is entitled to life and deserves the protection by law. Abortion violates the most basic human right - the right to continue living once you have begun to live.

Regardless of your position, in conscience, you must face the question, the medical question, as to when life begins. We are told that modern biology teaches that ancestors are united to their descendants by a continuous material link. It is from the fertilization of the female cell by the male cell that a new member of the species will emerge. Life has a lengthy history, but each individual has a specific beginning: the moment of conception.

The material link is the molecular thread of DNA. In each reproductive cell, this ribbon, approximately 1 meter long, is cut into pieces - 23 in our species. Each segment is carefully coiled and packaged like a magnetic tape in a minicassette, so that under a microscope it appears like a little rod, a chromosome. As soon as the paternally derived chromosomes are united through fertilization to the 23 maternally derived chromosomes, the full genetic information necessary to express all the unborn qualities of the new individual is gathered. The complex new human being begins to express himself or herself as soon as conception has taken place. The human nature of the human being from conception to death is then a conclusion of medical science.

I have heard a lot of comments about a woman's right to choice and, especially in a marriage, that a woman has the right to withhold information from her husband. Small wonder that we have such chaos in the world today. I cannot imagine any union surviving when the wife withholds information from her husband. Let us paint the worst-case scenario. Somehow she contracts a venereal disease. She is not going to tell her husband? Is that socially responsible? Small wonder there is chaos in the family and children look in question at their parents.

On the matter of choice—and this will probably bring a lot of boos and hisses—I went to one of our neighborhood pharmacies this week and on the shelf I counted 50 choices in the way of different condoms; I counted 18 different choices with sponges, gels, foams; you name it, it is there. But apparently the most appealing today is abortion. That seems to be the best control, the abortion.

The SPEAKER. Will the gentleman suspend.

For members of the videotaping crews that are on the floor of the House, your privilege on the floor of the House extends to using the video camera without disturbing members or without talking to members. Please comport to that rule.

The gentleman is in order any may continue.

Mr. OLASZ. Does a woman have the absolute right to control her body? For that matter, does any person, man or woman, have such a right? If so, then a person has the right to damage his or her own body with drugs or alcohol, even destroy the body by committing suicide. When abortionists speak of a woman's right to control her own body, they over-

look the fact that in every abortion we are dealing with not one body but with two separate and distinct bodies. Removing and destroying a fetus from a woman's body is not the same as removing and destroying a tumor.

If you disagree that life begins at conception, please explain just when life begins. The right to life is the most basic of all human rights, and without it, all other rights are meaningless. The unborn infant, as a child of the Almighty, possesses this basic right, and it should be protected by those in a position to do so, since the helpless infant is not in a position to protect himself. Think about it.

Just last week, Mr. Speaker, we spoke about pigeons and we spoke about AK-47's. I think the AK-47 that we are talking about today is the weapon of abortion. The world gets uptight when, unfortunately, six children or so are murdered in a schoolyard. How about the millions that have been murdered by the AK-47 of abortion? We are concerned about wringing the neck of a pigeon. How about the crushing of a skull of a poor baby that is defenseless? Think about it, and then vote your conscience. Thank you, Mr. Speaker.

The SPEAKER. The question is on the amendment offered. On that question, from Chester County, Representative Taylor is recognized.

Mrs. TAYLOR. Thank you, Mr. Speaker.

I will be brief, but it does appear to me that we have left out of this debate the overwhelming number of women - mothers, mothers-to-be, and young women - who stand firmly, lovingly, and knowingly for the protection of the unborn and for the abolishment of abortion on demand. So therefore, representing those women, I urge a "yes" vote.

The SPEAKER. The question is on the amendment. From Montgomery County, Representative Saurman is recognized.

Mr. SAURMAN. Thank you, Mr. Speaker.

Very briefly, I rise to point out the dichotomy of procedure that we are involved in and was alluded to by Representative Farmer. We are being asked to vote on an amendment that, admittedly, we already have 80 additional amendments to. We are asked to vote now "yes" or "no." At the conclusion of today, hopefully there will be some decision on those 80 amendments. If they are all "no" and someone has voted in the hopes because there were certain parts of the Freund amendment that they support but only to find that all of them have been defeated, they will then have voted a "yes" vote without it being the vote that they really wanted, simply to get those amendments in place. I think that this complicates our voting procedure. I think that it should be read into the record that this is what we are faced with at this time and this particular vote which we are now asked to cast. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—143

Adolph	Dininni	Langtry	Rybak
Allen	Distler	Laughlin	Saloom
Angstadt	Dombrowski	Lee	Scheetz
Argall	Donatucci	Leh	Schuler
Barley	Durham	Lescovitz	Scrimenti

Battisto	Fairchild	Letterman	Semmel
Belardi	Fargo	Levdansky	Serafini
Billow	Fee	Lloyd	Smith, S. H.
Birmelin	Fleagle	Lucyk	Snyder, G.
Black	Flick	McCall	Staback
Blaum	Foster	McHale	Stairs
Boyes	Freind	McNally	Steighner
Bunt	Gallen	Maiiale	Stish
Burd	Gamble	Markosek	Strittmatter
Burns	Gannon	Marsico	Stuban
Bush	Geist	Mayermik	Tangretti
Caltagirone	George	Melio	Taylor, E. Z.
Cappabianca	Gigliotti	Micozzie	Taylor, F.
Carlson	Godshall	Morris	Taylor, J.
Cawley	Gruitza	Mrkonic	Telek
Cessar	Gruppo	Murphy	Tigue
Chadwick	Haluska	Nailor	Trello
Civera	Hasay	Noye	Trich
Clark, B. D.	Hayes	O'Brien	Van Horne
Clark, D. F.	Herman	Olasz	Veon
Clark, J. H.	Hess	Perzel	Vroon
Clymer	Howlett	Pesci	Wass
Cohen	Jadlowiec	Petrarca	Weston
Colafella	Jarolin	Petrone	Wogan
Colaizzo	Johnson	Phillips	Wozniak
Cole	Kaiser	Pievsky	Wright, D. R.
Corrigan	Kasunic	Pitts	Wright, J. L.
Coy	Kenney	Raymond	Yandrisevits
DeLuca	Kondrich	Rieger	Manderino,
Daley	Kosinski	Robbins	Speaker
Dempsey	LaGrotta	Ryan	
Dietterick			

NAYS—58

Acosta	Freeman	Maine	Reinard
Bishop	Gladeck	Merry	Richardson
Bortner	Hagarty	Michlovic	Ritter
Bowley	Harper	Miller	Robinson
Brandt	Hayden	Moehlmann	Roebuck
Broujos	Heckler	Mowery	Rudy
Carn	Hughes	Nahill	Saurman
Cornell	Itkin	O'Donnell	Smith, B.
Cowell	Jackson	Oliver	Snyder, D. W.
DeWeese	James	Piccola	Thomas
Davies	Josephs	Pistella	Wambach
Dorr	Kukovich	Pressmann	Williams
Evans	Lashinger	Preston	Wilson
Farmer	Linton	Reber	Wright, R. C.
Fox	McVerry		

NOT VOTING—0

EXCUSED—2

Belfanti Hershey

The question was determined in the affirmative, and the amendments were agreed to.

On the question,

Will the House agree to the bill on third consideration as amended?

Mrs. HAGARTY offered the following amendments No. A3430:

Amend Sec. 4 (Sec. 3216), page 10, lines 2 through 10 (A3332), by striking out "The department shall, within 90 days of the" in line 2, all of lines 3 through 10 and inserting The following standards govern the procurement and use of any fetal tissue or organ which is used in animal or human transplantation, research, or experimentation:

Amend Sec. 4 (Sec. 3216), page 10, lines 13 through 15 (A3332), by striking out "No" in line 13, all of lines 14 and 15 and inserting

Further, if the tissue or organs are being derived from abortion, such consent shall be valid only if obtained after the decision to abort has been made.

Amend Sec. 4 (Sec. 3216), page 10, line 19 (A3332), by inserting after "abortion"
except that payment for reasonable expenses occasioned by the actual retrieval, storage, preparation and transportation of the tissues is permitted

Amend Sec. 4 (Sec. 3216), page 10, lines 48 through 52 (A3332), by striking out all of said lines

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, Representative Hagarty from Montgomery County is recognized.

Mrs. HAGARTY. Thank you, Mr. Speaker.

Mr. Speaker, I rise today to offer an important amendment on behalf of the Juvenile Diabetes Foundation. The Juvenile Diabetes Foundation is a voluntary health organization of over 160 chapters dedicated to furthering research towards a cure for diabetes and to improving the quality of life of the diabetic. The Juvenile Diabetes Foundation vehemently opposes a ban on research on fetal tissue. The Juvenile Diabetes Research Foundation contacted me, I guess when this legislation first became public, to express their concern, to express their concern that promising new research to help cure juvenile diabetes would be threatened by this legislation. They related to me and I relate to you this promising research.

In recent years the possibility of transplantation of pancreatic tissue from fetuses has been used successfully in order to reduce the insulin dependence of juvenile diabetics. There are currently at least 30 people in the United States who are living with fetal pancreatic transplants. Researchers are optimistic that many of these patients will experience a reduction in insulin requirements. In addition to the Juvenile Diabetes Foundation, I have learned that there is research ongoing in other areas, such as cancer and Alzheimer's disease, with great hopes for reduction in the incidence of these diseases from this research.

Recently a national debate on the scientific, legal, and ethical issues associated with fetal tissue from induced abortions occurred. As a result of this debate, such research was suspended and the National Institute of Health convened an advisory panel. This National Institute of Health advisory panel was made up of scientific, legal, and ethical experts. They concluded that Federal sponsorship of this research should resume, provided that certain safeguards are instituted. These safeguards, which are the content of my amendment, I want to share with you.

My amendment would provide that the National Institute of Health research recommendations be put into place in Pennsylvania so that fetal research could continue but could continue with clear ethical, legal, and moral guidelines, and let me tell you, because if you look at the amendment, because it is drafted to Steve's language, it will not be that clear what these standards are. So I want to read to you what exactly the amendment provides.

Number one, the decision to terminate a pregnancy and the procedures of abortion, including timing and method, should be kept independent from the retrieval and use of fetal tissue. Number two, proper and informed consent should be obtained from the pregnant woman. Further, the process of obtaining informed consent from the woman should be deferred until after the decision to abort has been made. Number three, payments and other forms of remuneration and compensation should be prohibited, except payment for reasonable expenses occasioned by the actual retrieval, storage, preparation, and transportation of the tissue. Number four, potential recipients of fetal tissue, as well as any and all other participants, including researchers, hospital personnel, and others, should be properly informed as to the source of the tissue in question. Five, procedures must be adopted that accord human fetal tissue the same respect accorded other cadavers. And six, the pregnant woman should be prohibited from designating the recipient of the fetal tissue.

The amendment that we have just passed does contain language allowing for fetal tissue research. The problem is, this language which many of you may believe is the National Institute of Health language and standards is not. My amendment reflects the National Institute of Health standards.

The problem with the amendment's research and standards is as follows, and I refer again to the Juvenile Diabetes analysis of it: Steve Freind's amendment says that the National Institute of Health standards are minimal standards. It requires our Pennsylvania Department of Health to promulgate further regulations. The fear is that those regulations could in fact implement a moratorium on such transplantation research. Further, the language in the Freind amendment provides that in promulgating these regulations, there is language looking to preferring childbirth over abortion - an issue which has nothing to do with fetal research. Fetal research does not begin until after the fetus is no longer living and is removed from the mother.

An additional problem with this language is that the consent that Representative Freind provides for cannot be obtained until after the abortion is done. This is a problem because of timing. I am told that the timing involved at this point is critical and the protocol in order for the tissue to be usable is such that there cannot be delay after the abortion.

An additional problem with Representative Freind's amendment is that it does not allow for any transportation expenses occasioned by the actual retrieval, storage, preparation, and transportation of the tissues.

I urge you, if you believe that research should continue to help cure juvenile diabetes and other diseases, that you support this amendment, which I am offering in accordance with the National Institute of Health guidelines. This is the only amendment that those people doing the research in the field and representing these groups believe will insure the ethical, proper continuation of research. Thank you.

The SPEAKER. The question is on the amendment offered, and on that question, from Philadelphia, Representative Kosinski is recognized.

Mr. KOSINSKI. Thank you, Mr. Speaker.

Would the Representative from Montgomery County stand for interrogation?

Mrs. HAGARTY. Yes.

The SPEAKER. The lady indicates that she will.

Mr. KOSINSKI. Thank you, Mr. Speaker.

How many fetuses are needed per successful treatment of, let us say, an insulin patient, the diabetic patient?

Mrs. HAGARTY. Well, I do not know. My understanding of this procedure is that the tissue is used from the pancreas and that that tissue is transplanted. I am not aware of any specific number that would be needed.

Mr. KOSINSKI. Mr. Speaker, on the amendment?

The SPEAKER. You are in order and may proceed.

Mr. KOSINSKI. I rise against the Hagarty amendment, and I do so with some trepidation because this is an emotional issue that may affect me someday. I may in fact be diabetic at some point in my life. It runs in my family. I have vacillated on the issue, and for the members who know me very well, I very rarely vacillate on anything. I have wrestled with this, and it is only through information that has been given to me over this past weekend that I have decided to go against the Hagarty amendment.

First of all, you must understand the mind-set. The people who are talking about a cure for diabetes and a cure for Parkinson's disease are advocates of this because they are holding out hope that this will be the cure. This is not a cure. It is only in the experimental stage. The results so far have been mixed. In some cases, due to the degenerative condition of diabetics, people have gotten worse with this treatment. Some have shown slight improvements; others have received other complications. So this is not the cure-all that the advocates push or may want you to believe that it is.

Let us talk about the issue of harvesting. Let us face it, when the fetus is aborted—and we are talking about not spontaneous abortions here but induced abortions—that fetal tissue must be fresh. In many cases that unborn child may still be alive when aborted, so we are dealing here with fresh tissue.

Now, Representative Hagarty refers to the NIH study, and in that study I am going to go by the dissent, that to cure or possibly cure—because again, it is very speculative as to the cure—to treat 10,000 insulin patients you may need between 300,000 and 500,000 aborted fetuses. That means that the possible, quote, "cure" would only be available to a limited number, because there are 2 million diabetics in this Nation.

But my biggest fear is that we have received information from Representative Hagarty about one possible solution here, and we are not talking about other possible solutions that could cure diabetes, could cure Parkinson's disease, and other alternatives that may exist within the next decade. The first would be the use of cultured cells for transplants. There is an autograft—that is a-u-t-o-g-r-a-f-t, for the people who are copying this down—in which the tissue is transplanted from one part of a patient's body to another. There could be pharmacological treatments or there could be transplant of

tissues from animals, as is currently done in heart valve transplants from pigs to humans. So you have another of other series of treatments which may prove to be more successful than the use of fetuses of the unborn child for the treatment.

If we take this a step farther though and look at the practical matter, the study that Representative Hagarty refers to is currently the source of a lot of controversy in Washington, DC. The study itself by the National Institute of Health is so controversial that there currently exists a funding moratorium. That moratorium may be continued by President Bush as early as this week.

So there are alternatives available as far as fetal tissue is concerned, and I would ask my colleagues to think about this very closely and vote against the Hagarty amendment.

The SPEAKER. The question is on the amendment, and on that question, Representative McHale from Lehigh County is recognized.

Mr. McHALE. Thank you, Mr. Speaker.

Would the lady, Mrs. Hagarty, stand for a brief interrogation?

The SPEAKER. She indicates that she will, and you may proceed.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, I was affected in my judgment by your earlier presentation, and I, frankly, would like to be able to vote for your amendment. Before I do that, I want to clarify some of the language contained in your amendment, specifically where you make reference to an exception for payment dealing with the actual retrieval of tissue. I would like to make clear, if in fact this is the case, that by "actual retrieval" you are not referring to the ordinary fee charged for an abortion service.

Mrs. HAGARTY. No; absolutely not.

Mr. McHALE. What do you mean by that term?

Perhaps I can clarify my question a bit. Are you talking about the physical retrieval of the tissue after the abortion?

Mrs. HAGARTY. It would be the physical retrieval of the tissue after the procedure. That is correct. It has nothing to do with the procedure. This is only after the procedure itself.

Mr. McHALE. That satisfies my concern. Thank you.

The SPEAKER. The question is on the amendment. On that question, Representative Freind from Delaware County is recognized.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to oppose this amendment. As I indicated earlier, 3 or 4 days ago a number of prolife legislators came with a serious concern about the state that our bill was in at the time, which prohibited the use of tissue or organs from aborted babies, and I explained to you what their rationale was. Whereas I personally did not agree, I certainly respected their opinion, and because of that respect and because for a pragmatic consideration that if you have certain prolife members who are concerned here, the possibility exists that you could have an amendment which gutted any regulation at all and you would have nothing, we changed the language, and what we did was put in language which to a large extent is modeled after the recommendations of the advisory panel for the National Insti-

tute of Health. We feel that we were open-minded, and we made a very important accommodation, one with which I do not philosophically agree.

Now, there are three major differences between the Hagarty amendment and what is in the amendment you just passed. Number one, our language says that the informed consent for the mother or former mother to permit the use of the tissues and organs can only come after the abortion is performed, and there is a reason for that. We do not wish to have as an additional inducement to abortion the fact that, well, you can use the tissues and organs to do some good.

We met yesterday with a member of that advisory panel who voted against the recommendations. He indicated that studies indicate that about 40 percent of women who have abortions, and even more, will change their mind two or three times, are weighing back and forth considerations whether or not to have an abortion. Now, remember I said that abortion clinics to stay in business have to perform abortions. If they do not, they are out of business. It is that simple. If in fact they can obtain that informed consent to use the tissue before the abortion, there is really no adequate safeguard to insure that that argument is not mingled in with the informed consent as to whether or not the woman should have an abortion.

Secondly, we completely ban any form of remuneration. We do not want to have a business of the selling of aborted babies' parts. What the Hagarty amendment does is also ban remuneration but says, "except that payment for reasonable expenses occasioned by the actual retrieval, storage, preparation and transportation of the tissues is permitted." By definition the only way these research organizations can get the job done anyway is to be physically at the abortion clinic prior to the time the abortion is performed. They have to be there anyway. There is no need for reimbursement for any expenses to the abortion clinic. Notwithstanding the interrogation of Mr. McHale and the answer by Mrs. Hagarty, when you look at that word "retrieval," what you have done is opened up a loophole about 50 yards wide to permit these organizations to pay the clinics for the performance of an abortion, because there is no way you can retrieve the tissue and the organs until you kill the unborn baby. We have specifically cut off funding, State funding, for all abortions except life of the mother, rape, and incest. Overwhelmingly we have done that. What we are doing here is taking a massive step backward.

The third thing that we do is require the Department of Health to promulgate these specific regs and give them latitude to continue to weigh the developments and the additional disclosures on the Federal level, to make a decision as to whether or not they wish to change them, alter them, add, or delete. We think the Department of Health, charged with this responsibility, should have that responsibility right now.

We have bent over backwards to accommodate good-faith members who are strongly prolife on this issue. We think the existing language does just that. We think this amendment is dangerous for the reasons that I have set forth, particularly because of that retrieval language, and can open it up to have these groups pay the abortion clinics for abortions.

I sincerely hope we vote "no." Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the Republican leader, Matthew Ryan from Delaware County.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I guess I am one of the members of the House whom Representative Freind referred to when he said he was approached by prolife legislators with certain problems that they wanted to address in this bill. I did have such a meeting with Steve Freind and, frankly, thought that we had worked this out.

A number of us, particularly from my county, were approached through the mails by a man we all knew and have a great deal of respect for who has a child with juvenile diabetes, and he is on the board apparently of the Juvenile Diabetes Foundation. In his letter to us he pointed out that all of the things that he is interested in in life, which we know him for and what he stands for, really are of no moment next to his concern for his child, and he goes on to point out that his hope and aspirations for the good health of this child really rest with the research and experimentations that are being carried on by medical schools and, in particular, being carried on under the auspices of the Juvenile Diabetes Foundation. They sent to us copies of the legislation they would like to see adopted which represents the legislation and the words of the National Institute of Health, and the amendment that the lady from Montgomery, Mrs. Hagarty, offers does reflect, in conjunction with the language that is presently in the bill that Mr. Freind saw to was added to the bill, would then reflect the words that the Juvenile Diabetes Foundation and the National Institute of Health believe are proper to cover this subject.

I listened to Mr. Freind say that he had met with and talked to a member of the National Institute of Health team that adopted certain regulations and recommendations and that this man was a minority viewpoint. Well, that man I also talked to yesterday. He is also the attorney for the prolife group, so that he is not completely unbiased when it comes to this subject, and I think that should be made clear, that he expressed the views of the national prolife group.

I think what bothers me the most about the situation we find ourselves in is that today there is no prohibition against using these fetuses for research, and this is a tough subject. I mean, I frankly have a great deal of trouble discussing it because I think it is something that is personal, and I am not trying to in any way downplay the seriousness of the subject matter. So if I use words perhaps that are offensive, I apologize in advance. It is not intended to be offensive.

But today a person has a miscarriage or a therapeutic abortion. That fetus can be used, under this bill as it is presently before us, for research purposes. It is the abortion which would be legal—and that is the part that bothers me—it would be legal under this bill to have an abortion, but those fetuses that result from that abortion would not be available for medical research.

Now, we have heard, information has been passed to us, that seven of the medical colleges - I believe all of the medical colleges in Pennsylvania - have gone on record stating that

they want and they approve and they recommend to us that it is absolutely vital, absolutely vital, that this be available to them. I am going to read just a paragraph or so from a letter signed by the heads—I believe they are the heads—of each of these seven university medical schools, and in the second paragraph of a letter addressed to Representative Ritter, dated October 17, it says:

Major advances and breakthroughs in a number of health care problems—

and it is more than just juvenile diabetes—

are related to research utilizing fetal tissues. These include (i) diabetes, (ii) metabolic diseases of the central nervous system such as Parkinson's disease, (iii) several inherited blood disorders and (iv) vaccine development. Fetal tissue is also being used in research on cancer, AIDS and pulmonary, kidney, eye and dental diseases.

Previous research...led to a better understanding of aging, to vaccines against rabies and rubella and...congenital abnormalities....

A woman's decision under our law to have an abortion is a—I am guessing—I believe, a tremendously traumatic decision that they have made. Having made that decision, having made that decision, this bill, as amended by Representative Hagarty, would permit that person, having made the decision, would permit that person to allow the aborted tissue to be used in connection with medical research that may help any number of children in the future.

Now, I listened to the gentleman, Mr. Kosinski, and he said there are other alternatives. Well, I am sure there are other alternatives to the Salk vaccine. They could have looked somewhere else, and to any other areas of medical research. The fact remains, the hospitals that you and I fund every year, the medical schools that we fund, the people whom we put the most trust in in connection with our medical lives, are telling us that we are making a mistake if we deprive their research teams of the availability of this tissue.

Mr. Speaker, I strongly recommend that this House adopt the Hagarty amendment. Thank you, sir.

The SPEAKER. On the question of the amendment, from York County, Representative Bortner is recognized.

Mr. BORTNER. Thank you, Mr. Speaker.

I would like to follow up on some of the comments of the minority leader and speak in support of this amendment. Regardless how members feel about this issue overall and regardless of how you may consider some of the other amendments, I hope you will consider this issue and this vote separately, because I think it is different.

I am not going to even argue to you the effectiveness of the treatment or the research or go into some of the medical considerations that Mr. Ryan did. Instead, I would like to just appeal to your logic. Currently in Pennsylvania a parent can donate an organ from a deceased child. Mr. Ryan pointed out that miscarriage tissue can be donated for research. Currently a parent could donate the cadaver of a deceased child, and that is all regulated by current Pennsylvania law. Why should

we not allow the parent or the parents in a situation where, as Mr. Ryan stated, the very difficult and traumatic decision about having an abortion has been made, give that same parent or parents the satisfaction of knowing that they may be able to help other children by using that fetus for research or for treatment?

If you are really cynical about this issue, I suppose you might argue that this encourages people to have more abortions. I do not think you could reasonably make that argument. I would urge all members to do what I believe is the humane thing to do and to support the Hagarty amendment. Thank you.

The SPEAKER. On the amendment, from Allegheny County, the Chair recognizes Representative Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, I rise also in support of the Hagarty amendment. I would also like to take this opportunity to clarify a couple remarks that were made by one of the previous speakers in opposition to the amendment.

In his comments Representative Kosinski mentioned that there were other alternatives available to do research into, quote, unquote, "cures" for diabetes. To my knowledge—and I have spent some time studying the issue of diabetes because it has affected my family directly—I am not aware of any cure for diabetes. There is no cure presently on the market for diabetes. Three hundred thousand to 500,000 pancreases are not readily available to solve the diabetes for my two younger brothers. It is just not there.

What we are talking about is research very much in the experimental stage, very much one day could possibly lead to a cure for diabetes. Now, I am not an expert on the regulations promulgated by the National Institute of Health, and I am not as well versed about the research as those people at the Juvenile Diabetes Foundation and the Diabetes Association are, but I can tell you, from my perspective, if permitting research to be done, if permitting the use of the islets of Langerhans, which are just a cluster of cells in the pancreas, not the entire pancreas itself but just a small cluster of cells that produce insulin that your body needs, if we could promote research that will one day lead to a solution, to a cure for the diabetes which afflicts my brothers and the over millions of Americans across the country, if we can do that, I would make an argument that we ought to and that in fact supporting the Hagarty amendment is supporting human life.

For that reason and many others, I urge an affirmative vote on the Hagarty amendment. Thank you.

The SPEAKER. On the amendment, from Northampton County, Representative Gruppo is recognized.

Mr. GRUPPO. Thank you, Mr. Speaker.

I rise reluctantly to oppose this amendment that has been offered by my good friend and colleague, Representative Hagarty. I have a daughter who is a juvenile diabetic and has been a juvenile diabetic since she was 11 years old. She is now 21 and will be 22 in a few more weeks.

I know this is a wrenching type of decision for many of us to make. It is for me, because I know that the experiments

that may be conducted could someday save the life of my own daughter. But I know my daughter and I know that she would not want me to vote for this amendment that would use even one cell from one aborted fetus to save her life.

I am asking you, the members of the House of Representatives, to think about what we are voting for. We are talking about using human tissue that has been aborted. I believe abortion is wrong, and I believe that it is abhorrent to think that we would use these tissues on the pretext of saving someone's life.

I am asking you, as the members of the House of Representatives, to think about this amendment. It is a serious amendment. I am asking you, on behalf of myself and my daughter, that you vote "no" on this amendment. Thank you.

The SPEAKER. The question is on the amendment. On that question, from Allegheny County, Representative Olasz is recognized.

Mr. OLASZ. Mr. Speaker, like my colleague, Representative Gruppo, it is a particularly tough decision to make. It is natural for one to rejoice when you think you have found a cure for Parkinson's or diabetes; that is, until you think that someone has to die prematurely in order for you to secure this life-giving method. I certainly would not want one of my future grandchildren to have to die in order that I might live.

What I am concerned about is, one that was shared by Professor Rifkin of one of the economic schools of thought, we are getting into a generation of harvesting spare parts. When you think of the possibility of women being exploited, and particularly in the Third World, solely for the purpose of generating spare parts, one has to question the value that we are putting on a future life as opposed to taking one life.

We had it argued during the Nuremberg trials about the experimentation that took place in Nazi Germany, and the attitude was, well, so what; they are going to die anyway. But I do not think that is the proper answer. Fortunately, the court ruled that that was not proper.

Something for all of us to consider: We all relish the day when there can be miracle cures for a lot of diseases that decimate our families, but the question is, at what expense should some aborted fetus or some premature death have to occur in order to provide the medical cures? Think about it.

The SPEAKER. On the question of the amendment, from Philadelphia County, Representative Bishop is recognized.

Ms. BISHOP. Thank you, Mr. Speaker.

I rise in support of the Hagarty amendment. I rise as a mother of a diabetic son who has been a diabetic since he was 9 years old. He is now 24, and every day we live in hope that there will be a cure someday, or that there will be some thing that will ease the suffering. Every day there are millions of people who are living under the same hope that there is a door that is open to them. I beg this House this afternoon not to close that door, to vote for the Hagarty amendment that will allow the fetus to be used in help and in a cure for those who are suffering from diabetes.

Someone made the statement that why should one die so that another might be helped? I say to you, it is already

aborted. What harm can come from using it to benefit those who are asking for prolonged life?

So I ask each and every one of our colleagues here and my colleagues this evening to vote for the Hagarty amendment to extend the lives of the diabetics who are already suffering, and there is no other alternative. It is the only alternative that they have for a cure. Thank you.

The SPEAKER. From Bucks County, the Chair recognizes Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the Hagarty amendment. Further experimentation by the medical schools will put more pressure on for more abortions, which will undoubtedly put more of our unborn at risk.

Mr. Speaker, I oppose the amendment. Thank you.

The SPEAKER. On the question of the amendment, from Chester County, Representative Pitts is recognized.

Mr. PITTS. Thank you, Mr. Speaker.

I think we need to realize, we are not talking here about banning—that debate will come later on another amendment—but we are talking about opening a huge loophole in the accommodation that Steve has already made in this bill. We are talking about doing away with State regulation as far as experimentation is concerned. What kinds of experiments are we talking about here? We are not just talking about juvenile diabetes. What is the legitimate State interest in regulating experimentation? We do have an interest in ethical medical research. We are not interested in unethical research being conducted. Remember, we are talking about organs from little babies who have been aborted.

Now, you cannot transplant dead tissue. When your tissue dies, when you are dead, you cannot rejuvenate that. We are talking about live tissue, what they call “fresh” tissue. We are talking about taking a little baby who has been aborted, taking an organ - a pancreas or a brain or a penile gland - out of these little babies who have been aborted, and then trying to transplant them. The danger here is the complicity that this amendment will set up between the researchers and the abortion clinics. We are talking about abortion clinics, for money, providing baby parts to these people, on site necessarily, because they have got to have “fresh” tissue.

Mr. Speaker, this is a huge loophole that will come back to haunt us, and I think we should defeat this amendment. Thank you, Mr. Speaker.

The SPEAKER. The question is on the amendment. On that question, from Montgomery County, Representative Saurman is recognized.

Mr. SAURMAN. Thank you, Mr. Speaker.

Several things have been said which have been very disturbing to me; first of all, the concern for retrieval. I have served for almost 5 years now on the advisory committee to the organ donor committee to the Department of Health. That language, “retrieval, storage, preparation and transportation,” is language that is common for the retrieval of an organ in order to see that it is gotten. They are other words for what they used to call “harvesting,” and that is a rather

unusual term, and we might think of bringing in some piece of equipment, but that is the way they describe this gathering of the organs that are used.

Someone mentioned that this is an infant that has been killed and you do not want to use, therefore, that organ. I would suggest that if someone were shot on the street and brain dead, we would be delighted to be able to use their heart, their kidney, their liver, whatever, because it is a live organ that can save someone else's life, and because of the purpose or the reason for that death, that does not really enter into it. The fact is that that can be used to save someone else, and I have heard many, many family members say it gives some purpose to the loss of the one life. So I think we ought to understand that.

To institute what Representative Freind has put into this bill with regard to establishing guidelines by the Department of Health, I would only want to mention one thing: Back in 1982 when we were debating driving under the influence, there was an amendment offered on this floor to establish quantitative analysis of drugs for determining whether someone was under the influence, and I argued against that, but I would like to say at this moment that that quantitative analysis still does not exist in the Department of Health.

And when Representative Hagarty talks about a moratorium, think about the regulations that have never been written. Think about those that have and the time that it takes. Think then about the lives that could be saved by this research, and think, as you do, that we have here an opportunity to do something worthwhile, to support Representative Hagarty's amendment. Thank you.

The SPEAKER. The question is on the amendment. From Philadelphia County, Representative Linton is recognized.

Mr. LINTON. Thank you very much, Mr. Speaker.

Mr. Speaker, I have heard a lot today about abortion control. Well, the matter before us right now is not an issue of whether or not we support abortion. It is also not an issue of abortion control. The issue before us is whether or not we will allow the tissue from an aborted fetus to be used to prolong, to assist, in the life of someone here in this country. It is whether or not we will stand in support of medical research. That is the issue that is before us tonight. We are not here to vote on whether or not we support or oppose abortion. This does not affect abortion control. This is an effort to try to assist in medical research. I cannot see why any member of this House cannot support the Hagarty amendment.

I ask for an affirmative vote on the Hagarty amendment, Mr. Speaker.

The SPEAKER. From Allegheny County, the Chair recognizes, on the amendment, Representative Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, every time that we vote on the floor of the House on any issue, there is some risk that we are going to cast a vote, make a judgment, about something that we are not really very well prepared to deal with. Sometimes that danger is greater than on other occasions. I think one manifestation of that danger is when we come here today and try to

discuss what forms of research dealing with juvenile diabetes might offer more hope than other forms of research.

I doubt that there is anybody on the floor of the House who is really prepared in a professional way and in an informed way to make some judgments about that, let alone to lead the debate about it. If there are one or two individuals like that, I think they are the exception, but most of us really are not in that position. And it really would be sad if we tried to base our vote today on this amendment on the basis of some belief that one form of research is not necessarily necessary because there are other options out there, or because somebody has said that it is only research, it is only speculative, and there might be other ways of ultimately saving these lives.

Mr. Speaker, I really have trouble believing that those men and women who wrap themselves in the cloak of prolife activities would today stand in the way of research, stand in the way of possible cures, stand in the way of possible preventions for some of the ills and the diseases that affect hundreds of thousands of Pennsylvanians. I think it would be the greatest irony of ironies if those who, because of their prolife activities, because of their prolife sentiments, today would vote in such a way that they would ultimately allow or perhaps even cause the death of thousands of others.

I would urge that we adopt a very reasonable amendment and that we adopt the Hagarty amendment today.

The SPEAKER. From Delaware County, Representative Freind is recognized.

Mr. FREIND. Thank you, Mr. Speaker.

Much of the debate on this amendment has evolved around whether or not the tissues and organs from aborted babies should be used. In this amendment, that is not the issue. The amendment you have already passed, the Abortion Control Act, and the Hagarty amendment both permit and regulate the use of these tissues and organs.

Very quickly, the three differences, and the reason why I believe what we have already passed is superior to the Hagarty amendment, are these: Number one, we require that the informed consent be obtained after the abortion. We do not want the issue of whether or not to have an abortion to be mixed with the issue of whether or not to donate the organs.

Number two, we want to avoid a huge loophole, particularly with respect to the word "retrieval," where in fact organizations could be paying abortion clinics, who have to perform abortions to stay in business, for the performance of the abortions. And retrieval is retrieval. You cannot retrieve it unless you abort the baby.

Number three, we think this Commonwealth, through the Department of Health, maintains and continues to maintain a legitimate interest in monitoring this extremely complex issue and being able to see the further developments on the Federal level.

They both regulate; neither prohibits. We think our language is superior. We think we have made a fine accommodation. I would ask for the defeat of the Hagarty amendment. Thank you.

The SPEAKER. On the amendment, the gentleman, Mr. Ryan, seeks recognition. He is in order.

Mr. RYAN. Just briefly, Mr. Speaker.

The principal objection apparently of the gentleman, Mr. Freind, deals with this question of payment of expenses for retrieval. Now, as I read the words, it says, payments and other forms of remuneration and compensation are prohibited, "except that payment for reasonable expenses occasioned by the actual retrieval, storage, preparation and transportation of the tissues,..." which to me says exactly what the lady, Mrs. Hagarty, said, and that is, for the actual retrieval and transportation of the tissue, moving it from one place to another.

The law today in Pennsylvania, incidentally, permits this. So this is a dramatic change in the law. Right now, today, prior to the adoption of any new law we might do, what we are suggesting is permitted. That is why these medical schools really are satisfied, I guess, with what we have in the law today in the area of medical research on these tissues.

Please, give a lot of thought to it. I mean, this is the most important single amendment in my judgment, other than the final vote on the bill, and it is the kind of thing that really should cross the prochoice-prolife lines. This is a serious vote for the future of an awful lot of people.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—122

Acosta	Durham	Lee	Raymond
Adolph	Evans	Levdansky	Reber
Angstadt	Fairchild	Linton	Reinard
Battisto	Fargo	Lloyd	Richardson
Bishop	Farmer	McHale	Rieger
Blaum	Flick	McVerry	Ritter
Bortner	Fox	Maiale	Robinson
Bowley	Freeman	Maine	Roebuck
Boyes	Geist	Markosek	Rudy
Brandt	Gladeck	Marsico	Ryan
Broujos	Godshall	Mayernik	Saurman
Bunt	Gruitza	Melio	Scheetz
Burd	Hagarty	Merry	Scrimenti
Bush	Harper	Michlovic	Semmel
Carlson	Hasay	Miller	Smith, B.
Carn	Hayden	Moehlmann	Smith, S. H.
Cessar	Hayes	Mowery	Snyder, D. W.
Chadwick	Heckler	Murphy	Stairs
Civera	Herman	Nahill	Taylor, E. Z.
Clark, J. H.	Hess	Nailor	Thomas
Cohen	Howlett	Noye	Trich
Cole	Hughes	O'Donnell	Van Horne
Cornell	Itkin	Oliver	Veon
Cowell	Jackson	Pesci	Wambach
Coy	Jadlowiec	Petrone	Williams
DeLuca	James	Piccola	Wilson
DeWeese	Josephs	Pievsky	Wozniak
Davies	Kondrich	Pistella	Wright, D. R.
Dietterick	Kukovich	Pressmann	Wright, J. L.
Dininni	Langtry	Preston	Wright, R. C.
Dorr	Lashingier		

NAYS—79

Allen	Donatucci	Leh	Snyder, G.
Argall	Fee	Lescovitz	Staback
Barley	Fleagle	Letterman	Steighner
Belardi	Foster	Lucyk	Stish

Billow	Freind	McCall	Strittmatter
Birmelin	Gallen	McNally	Stuban
Black	Gamble	Micozzie	Tangretti
Burns	Gannon	Morris	Taylor, F.
Caltagirone	George	Mrkonic	Taylor, J.
Cappabianca	Gigliotti	O'Brien	Telek
Cawley	Gruppo	Olasz	Tigue
Clark, B. D.	Haluska	Perzel	Trello
Clark, D. F.	Jarolin	Petrarca	Vroon
Clymer	Johnson	Phillips	Wass
Colafella	Kaiser	Pitts	Weston
Colaizzo	Kasunic	Robbins	Wogan
Corrigan	Kenney	Rybak	Yandrisevits
Daley	Kosinski	Saloom	
Dempsey	LaGrotta	Schuler	Manderino,
Distler	Laughlin	Serafini	Speaker
Dombrowski			

NOT VOTING—0

EXCUSED—2

Belfanti Hershey

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. ITKIN offered the following amendments No. A3337:

Amend Title, page 1, lines 6 and 7 (A3332), by striking out "certain abortions after 24 weeks gestation" and inserting abortion of a viable fetus unless necessary to preserve the life or health of the pregnant woman

Amend Sec. 1, page 1, lines 12 and 13 (A3332), by striking out "and the section is amended by adding a definition"

Amend Sec. 1 (Sec. 3203), page 1, lines 27 through 30 (A3332), by striking out all of said lines

Amend Sec. 4 (Sec. 3210), page 6, line 33 (A3332), by striking out "gestational age" and inserting viability

Amend Sec. 4 (Sec. 3210), page 6, lines 38 and 39 (A3332), by striking out "of the probable gestational age of the unborn child" and inserting

whether in his good faith judgment, the fetus is viable

Amend Sec. 4 (Sec. 3210), page 6, line 43 (A3332), by striking out "an accurate" and inserting

^a

Amend Sec. 4 (Sec. 3210), page 6, line 43 (A3332), by striking out "gestational age" and inserting

viability

Amend Sec. 4 (Sec. 3210), page 6, line 46 (A3332), by striking out "gestational age of the unborn child" and inserting

viability of the fetus

Amend Sec. 4 (Sec. 3210), page 6, line 47 (A3332), by striking out "gestational age" and inserting

viability

Amend Sec. 4 (Sec. 3211), page 7, line 28 (A3332), by striking out "on unborn child of 24 or more weeks gestational age" and inserting

of viable fetus

Amend Sec. 4 (Sec. 3211), page 7, line 30 (A3332), by inserting after "shall"

intentionally, knowingly or recklessly

Amend Sec. 4 (Sec. 3211), page 7, lines 31 and 32 (A3332), by striking out "gestational age of the unborn child is 24 or more weeks" and inserting

fetus is viable

Amend Sec. 4 (Sec. 3211), page 7, lines 36 through 43 (A3332), by striking out "prevent either" in line 36, all of lines 37 through 43 and inserting

preserve the life or health of the pregnant woman.

Amend Sec. 4 (Sec. 3211), page 7, line 47 (A3332), by striking out "gestational age of the unborn child" and inserting

viability of the fetus

Amend Sec. 4 (Sec. 3211), page 7, line 48 (A3332), by striking out "gestational age" and inserting

viability

Amend Sec. 4 (Sec. 3211), page 7, line 49 (A3332), by striking out "unborn child is less than 24 weeks gestational age" and inserting

fetus is not viable

Amend Sec. 4 (Sec. 3211), page 7, line 59; page 8, lines 1 and 2 (A3332), by striking out "prevent either the death of the pregnant woman" in line 59, page 7, all of lines 1 and 2, page 8 and inserting

preserve the life or health of the pregnant woman.

Amend Sec. 4 (Sec. 3211), page 8, lines 8 through 10 (A3332), by striking out "prevent either the death of the pregnant" in line 8, all of lines 9 and 10 and inserting

preserve the life or health of the pregnant woman.

Amend Sec. 4 (Sec. 3211), page 8, lines 12 through 20 (A3332), by striking out all of lines 12 through 19, "(5)" in line 20 and inserting

(4)

Amend Sec. 4 (Sec. 3214), page 9, lines 18 through 20 (A3332), by striking out "prevent either the death" in line 18, all of line 19, "impairment of a major bodily function of the woman," in line 20 and inserting

preserve the life or health of the pregnant woman

Amend Sec. 4 (Sec. 3214), page 9 line 31 (A3332), by striking out "gestational age" and inserting

viability

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, from Allegheny County, Representative Itkin is recognized.

Mr. ITKIN. Mr. Speaker, originally I rose to address the question of viability and the question of whether the amendment which was adopted by the House is constitutional. Besides the question of viability, Roe v. Wade also talks about the reasons for having an abortion in what we commonly refer to as during the third trimester. As you all know, the requirements for an abortion in that period of time are very, very severe and difficult to attain. In fact, under the current law, of the 50,000 abortions provided in Pennsylvania in 1988, only about 128, according to our State Health Department, were performed in that particular trimester.

Now, the conditions under the current law, which I am seeking to maintain, allow for the abortion to be performed after viability if the health of the pregnant woman is at stake. As I said before, this is the current law, and the amendment offered by Mr. Freind would delete the health requirement and insert instead a very onerous provision which would have very, very catastrophic requirements on certain pregnant women. What it says in the Freind amendment is that in order to have an abortion performed during this time period, it is necessary for the physician performing the abortion to prevent either the death of the pregnant woman, which we

maintain in my amendment, or the substantial and irreversible impairment of a major bodily function of the woman.

Now, we know that this is a very, very difficult health impairment to be able to diagnose. First, the question, what is substantial, is not defined, and the question of irreversibility is a very difficult question for anybody, including the professional physician, the experts, to make those types of diagnoses.

In addition, what is of an extreme concern to me is the apparent attempt to change the knowledge of performing such abortions. Current law states that any person who intentionally, knowingly, or recklessly performs or induces an abortion when the fetus is viable commits a criminal offense. Now, those three words, "intentionally, knowingly or recklessly," have been deleted from the Freind language, and all it says is that it shall not be a violation if an abortion is performed by a physician and that physician reasonably believes it is necessary to prevent either the death of the woman or the substantial and irreversible impairment of a major bodily function of the woman.

Now, I would like to ask Mr. Freind a question, and I wish that the gentleman would stand for interrogation.

The SPEAKER. The gentleman indicates that he will stand for interrogation. You may proceed.

Mr. ITKIN. Mr. Speaker, could you inform the House why those three significant words or adjectives, "intentionally, knowingly or recklessly"—I guess they are adverbs—performs an abortion were deleted? What is the reason for that change from current law?

Mr. FREIND. Mr. Speaker, which lines are you talking about?

Mr. ITKIN. I am talking about the— Well, I am talking about the current language that you delete, which appears in section 3210, subsection (a), which is current law, and it says, "Any person who intentionally, knowingly or recklessly performs or induces an abortion when the fetus is viable commits a felony of the third degree."

Now, that particular section in your amendment was deleted, was bracketed out, and you have now new language in the viability section, and in your prohibition you replace it with new language but you delete the term "intentionally, knowingly or recklessly." Do you see that section, and that would appear like on page 7, line 35, of your amendment. No, it should have been on line 30. Page 7, line 30, should have the language inserted to be consistent with current law.

Mr. FREIND. If I understand your question, the reason why is on page 7 of the amendment under "Exceptions." We spell out that it specifically will not be a violation of subsection (a) if an abortion is performed by a physician who reasonably believes that it is necessary to prevent either the death of the pregnant woman or substantial and irreversible impairment of a major bodily function. We make it very clear. We are using the reasonable doctor standard.

Mr. ITKIN. Suppose he makes an error of judgment? Would he then be subject to a criminal offense?

Mr. FREIND. Only if the error of judgment were so wanton and willful that it would disregard completely the reasonable physician standard.

Mr. ITKIN. So if the physician makes—which is, I guess, a legal standard—an unreasonable judgment, then he can be held criminally for his actions. And what would the penalty for that action by the physician be?

Mr. FREIND. Are you talking about the initial physician in the 24-week section?

Mr. ITKIN. Yes. I am talking about the physician who performs this abortion and does so unreasonably because he failed to, say, perform a test or he was reckless or did something of that— Not necessarily reckless, but he did something that was sort of unattentive.

Mr. FREIND. Under the section right now, it is a first-degree felony.

Mr. ITKIN. First-degree felony.

Mr. FREIND. Yes.

I should point out that there will be an amendment run by someone else to make it a third degree, which we will not oppose, but it is a first-degree felony right now.

Mr. ITKIN. So you basically elevated the degree of penalty from a third-degree felony, which is in the current law, to the highest criminal penalty that the law provides in this Commonwealth?

Mr. FREIND. Well, there is a different standard of care. Here you would have a doctor in specific violation of the law killing an unborn child at more than 24 weeks.

Mr. ITKIN. But specifically, it may not be intentionally, knowingly, or even recklessly. I mean, conceivably you deleted that language, so a physician who acted perhaps not in the current medical standards but did not intentionally or knowingly decide, I am going to give this woman an abortion in violation of the law, he still could be, under your amendment, guilty of a felony 1, right?

Mr. FREIND. Mr. Speaker, as I previously indicated, and I will try to say it again, we think the section we added with respect to exceptions even more so guards the physician.

Mr. ITKIN. Well, I appreciate the gentleman's remarks. I personally interpret that as a certain degree of viciousness. At least it is going to be a chilling effect on a physician who, when you get close to this question of the 24-week period—and how do you determine precisely what is 24 weeks?—whether he should or should not perform that abortion. Also, he has to make judgments. He has to make judgments about irreversible and substantial major bodily functions, all those things, and if he is wrong in his assessment and reasonably wrong, according to the law, if this amendment is adopted in the bill, he could be guilty of a felony 1.

Now, in addition to that— And I am finished with my interrogation, Mr. Speaker. I also have some additional remarks.

The SPEAKER. The gentleman is in order.

Mr. ITKIN. Mr. Speaker, I was curious to know, since we have this very simplistic health permission - that if the pregnant woman conceivably has a health problem because of the pregnancy, that in the third trimester she can have an abortion

- and I was surprised, and I give you today the statistics as well, that only 128 abortions in 1988 were performed out of almost 51,000, and I ask myself, if getting an abortion in the third trimester is so easy to accomplish as Mr. Freind believes, why are not the numbers far greater? And in making this inquiry, by checking with physicians and people who administer and run medical care facilities that provide for an abortion, I learned that this is a very serious matter for the woman. Women do not just act, after carrying a fetus for 6 months and undergoing all of this discomfort and problems of being pregnant, they do not willy-nilly decide that they are going to have an abortion. It is really serious business. It is serious business between the woman and the physician, particularly with respect to health matters.

Now, there are a number of major health problems that can be generated or can be intensified by having to maintain or continue a pregnancy. I am not going to go further and enunciate many of them because I can hardly pronounce them, and I do not think that the House really is in a position to listen to all of these medical terms. Suffice to say that there are a number of— Could the House stand at ease for one moment?

Just let me put on the record a couple of examples - just two examples - for the reason why women need abortions late in pregnancy and why our amendment tries to accommodate this kind of condition. There is one health problem known as toxemia, which is a condition that arises late in pregnancy, and this condition, if not ameliorated, can cause a seizure, a stroke, and kidney damage. For those persons who suffer from severe diabetes, late in pregnancy it can cause blindness or renal failure.

Now, these are just a thumbnail sketch of just a couple of medical conditions that the amendment that we passed would prevent a woman suffering from them from having an abortion and put that woman in severe health jeopardy. Now, at that point in time the physician may not be able to say, you know, with certainty, that the death of the woman will occur unless he performs that particular treatment or provides that by terminating the pregnancy, and he cannot say that it may be temporary or of very long duration but not irreversible, and you have to recall that the language inserted by Mr. Freind says that if the physician misjudges this, he is guilty of a felony, not of the third degree or the second degree, a felony of the first degree, just as if that physician went ahead and pulled out a gun and shot his patient in the head.

Now, certainly I do not think that that is the type of penalty we ought to impose upon the medical profession. It certainly will have a chilling effect on physicians who perform this procedure. I mean, that may be the intent by the maker of the amendment, but I think that we should not follow his lead. I think reasonable people can disagree, but I think we ought to accommodate the women of the Commonwealth with respect to their very severe health problems, and I ask the House to support the amendment. Thank you very much.

The SPEAKER. The question is on the amendment. On that question, from Delaware County, Representative Freind is recognized.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to oppose the amendment.

A number of questions were posed by Mr. Itkin. Number one is, why did we choose 24 weeks? Well, we chose 24 weeks for a number of reasons. Number one, we have the information in the brief filed by 167 distinguished scientists and physicians, including 11 Nobel laureates, in support of the proabortion side in the Webster case, where they indicate that advances have not significantly changed in the earliest date of viability, which remains approximately at 24 weeks.

We also have the statement by Dr. Phillip C. Stubblefield, who was formerly the director of the National Abortion Federation, that in fact publications appear to document clearly that viability is possible at 24 weeks.

“Viability,” however, is a relative term, depending on the circumstances and where the abortion is going to be performed. We made a decision to pick 24 weeks and say in a reasonable way, after that, no abortions with two reasonable exceptions - the life of the mother or to avert substantial and irreversible impairment of major bodily function. What the Itkin amendment would do would not only return us to viability, much less certain, but would also contain the health exception - maternal life or health. And as I previously indicated, when you have the word “health” in there, particularly pursuant to *Doe v. Bolton*, what you have is exactly what we have right now - the ability for a woman, at any time in her pregnancy, to have an abortion for any reason.

Now, Mr. Itkin asked the rhetorical question, why do women have abortions in late terms? I certainly cannot answer that. I am not an expert. But what I do have is the poll which was conducted by the Guttmacher Institute, and that is the research arm of Planned Parenthood, and specifically in the areas of late-term abortion, the issue of health is not even on the chart. Seventy-one percent did not recognize she was pregnant or misjudged gestation; forty-eight percent—these are various reasons—found it hard to make arrangements for abortion, et cetera. Health is not even on the chart.

If we adopt the Itkin amendment, we are going back in point and in fact to unregulated, unrestricted abortion at any time in pregnancy, including the very latest stages, for any reason whatsoever. We have reasonable exceptions for the life and the irreversible impairment of major bodily function, which is a concession which we made which we think is reasonable. As it stands, we think it is good, sound legislation. This in fact would gut it.

I ask for a “no” vote.

The SPEAKER. The question is on the amendment, and on that question, Representative Itkin from Allegheny County is recognized.

Mr. ITKIN. Mr. Speaker, I would just like to refer to Mr. Freind’s own document, and this is his memorandum of October 17, 1989 - subject: answers to questions relating to the Abortion Control Act of 1989 - wherein he states on page 6 of said document of the 24-week period, “First, it attacks the trimester standards which Roe established. Secondly, it also attacks the health standards set up by Roe’s companion

bill, Doe v. Bolton," contrary to what he said originally that the Supreme Court has not turned its back on Roe v. Wade. What Mr. Freind is proposing again is another tread on the Constitution, in which he wishes to seek to pass an unconstitutional bill in order to have this bill presented to the courts, I guess with the hopes that the courts would further erode the constitutional freedoms and liberties available to the citizens of this great Commonwealth and the Nation as a whole.

Mr. Speaker, I feel that because of Mr. Freind's adamant stand to eradicate abortion, he is willing to put the health of the women of this Commonwealth in serious jeopardy, perhaps not to commit them to death but certainly to considerable health impairment, and I request that the House not give him that fiat, and I ask for an affirmative vote on this amendment.

The SPEAKER. The lady from Philadelphia, Representative Josephs, is recognized on the amendment.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I would like only to say that some significant number of abortions which are performed late in pregnancy are performed late because of the activities of the so-called prolife group, which puts barriers before women who would much rather have early abortions. I think it is unfair. I think it is dishonest, intellectually. I think it is immoral. I think it is uncharitable to blame the women of this State for a condition that was caused by the people who are doing the complaining. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—47

Acosta	Fox	Linton	Reber
Bishop	Freeman	Maine	Reinard
Bortner	Hagarty	Michlovic	Richardson
Bowley	Harper	Miller	Ritter
Broujos	Hayden	Moehlmann	Robinson
Carn	Heckler	Nahill	Roebuck
Cornell	Hughes	O'Donnell	Saurman
Cowell	Itkin	Oliver	Smith, B.
DeWeese	Jackson	Pievsky	Thomas
Davies	James	Pistella	Williams
Dorr	Josephs	Pressmann	Wright, R. C.
Evans	Kukovich	Preston	

NAYS—152

Adolph	Distler	Laughlin	Saloom
Allen	Dombrowski	Lee	Scheetz
Angstadt	Donatucci	Leh	Schuler
Argall	Durham	Lescovitz	Scrimenti
Barley	Fairchild	Letterman	Semmel
Battisto	Fargo	Levdansky	Serafini
Belardi	Farmer	Lloyd	Smith, S. H.
Billow	Fee	Lucyk	Snyder, D. W.
Birmelin	Fleagle	McCall	Snyder, G.
Black	Flick	McHale	Staback
Blaum	Foster	McNally	Stairs
Boyes	Freind	McVerry	Steighner
Brandt	Gallen	Maiale	Stish
Bunt	Gamble	Markosek	Strittmatter
Burd	Gannon	Marsico	Stuban
Burns	Geist	Mayernik	Tangretti
Bush	George	Melio	Taylor, E. Z.
Caltagirone	Gigliotti	Merry	Taylor, F.
Cappabianca	Gladeck	Micozzie	Taylor, J.

Carlson	Godshall	Morris	Telek
Cawley	Gruitza	Mowery	Tigue
Cessar	Gruppo	Mrkonic	Trello
Chadwick	Haluska	Murphy	Trich
Civera	Hasay	Nailor	Van Horne
Clark, B. D.	Hayes	Noye	Veon
Clark, D. F.	Herman	O'Brien	Vroon
Clark, J. H.	Hess	Olasz	Wambach
Clymer	Howlett	Perzel	Wass
Cohen	Jadlowiec	Pesci	Weston
Colafiglia	Jarolin	Petrarca	Wilson
Colaizzo	Johnson	Petrone	Wogan
Cole	Kaiser	Phillips	Wozniak
Corrigan	Kasunic	Piccola	Wright, D. R.
Coy	Kenney	Pitts	Wright, J. L.
DeLuca	Kondrich	Raymond	Yandrisevits
Daley	Kosinski	Robbins	
Dempsey	LaGrotta	Ryan	Manderino,
Dietterick	Langtry	Rybak	Speaker
Dininni	Lashinger		

NOT VOTING—2

Rieger Rudy

EXCUSED—2

Belfanti Hershey

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

The SPEAKER. The lady from Montgomery County, Representative Hagarty, indicates that there is an amendment to be offered.

Prior to the offering of this amendment and prior to the reading of the amendment by the amendment clerk, the Chair is about to declare a 2-minute rule, without objection. All the members of the House understand the 2-minute rule. Each member—

Mr. PRESTON. Mr. Speaker, I object.

The SPEAKER. The Chair will not impose it with the intercession of an objection. The Chair checked with both floor leaders and with both Mr. Freind and Ms. Ritter regarding the 2-minute rule, and they had no objection, and the Chair felt comfortable in suggesting the 2-minute rule. If there are members of the House that object in substantial number or even in one number, we will not impose the rule from the Speaker's podium.

Will the clerk read the amendment.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mrs. HAGARTY offered the following amendments No. A3339:

Amend Sec. 4 (Sec. 3211), page 7, lines 36 through 39 (A3332), by striking out "either" in line 36, all of lines 37 and 38 and "woman" in line 39 and inserting the death, substantial risk of death, serious physical injury, serious physical illness, or protracted loss or impairment of bodily function of the pregnant woman

Amend Sec. 4 (Sec. 3211), page 7, line 59; page 8, lines 1 and 2 (A3332), by striking out "either the death of the pregnant

woman" in line 59, page 7; all of lines 1 and 2, page 8 and inserting the death, substantial risk of death, serious physical injury, serious physical illness, or protracted loss or impairment of bodily function of the pregnant woman

Amend Sec. 4 (Sec. 3211), page 8, lines 8 through 10 (A3332), by striking out "either the death of the pregnant" in line 8, all of lines 9 and 10 and inserting

the death, substantial risk of death, serious physical injury, serious physical illness, or protracted loss or impairment of bodily function of the pregnant woman

Amend Sec. 4 (Sec. 3211), page 8, lines 16 through 19 (A3332), by striking out "either of the" in line 16, all of lines 17 and 18 and "woman" in line 19 and inserting

the death, substantial risk of death, serious physical injury, serious physical illness, or protracted loss or impairment of bodily function of the pregnant woman

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, Representative Hagarty from Montgomery County is recognized.

Mrs. HAGARTY. Thank you.

Mr. Speaker, this amendment, basically, creates new language which would narrow the definition of after-24-week abortions from current law. Current law, as we have heard, is, if the health of the mother is affected, a procedure to terminate the pregnancy can be done. Stephen Freind has suggested that that should only be able to be done when two doctors certify, under penalty of a felony of the first degree, that there would be substantial and irreversible impairment of a major bodily function. The language I am going to suggest is narrower than current law. Before I suggest the actual language of the amendment, I just want to focus this issue in the vocabulary it should be. These are delivery decisions. These are not abortion decisions.

I share with you that I spoke this morning to my own obstetrician, who said to me, we do not do, and the statistics you have heard essentially indicate, there are not abortions going on in this Commonwealth after 24 weeks. There are real, live decisions made about whether to deliver early because a woman is in dangerous jeopardy for her health. So my language says that if she faces a "substantial risk of death, serious physical injury, serious physical illness, or protracted loss or impairment of bodily function," a procedure could be done to terminate the pregnancy. Keep in mind that these are women who want to have the baby but that it is important that we allow doctors to make the determination of what is best both for her and the baby at that point and that when we face a penalty of a first-degree felony over language that says "irreversible," it is not going to protect the lives and health of our women.

I conclude with the remarks of Thomas Jefferson: "I have sworn upon the altar of God eternal hostility over every form of tyranny over the lives of men." This provision which penalizes doctors and women for making real choices affecting the lives and health of real women is tyranny over the lives of women, Mr. Speaker.

The SPEAKER. The question is on the amendment. On that question, the Chair recognizes the gentleman from Delaware, Representative Freind.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to oppose the amendment.

To repeat, what we said was after 24 weeks there were two reasonable exceptions: to avert the death of the mother or for substantial and irreversible impairment of major bodily function. Now, what we have right now under our existing law is maternal life or health. Health permits you for any reason whatsoever, at any stage, to have an abortion. Once again, I am not saying why women have abortions in late term, but I am saying what Guttmacher Institute said, and that is Planned Parenthood's research arm, and they said, for reasons of health, it is not even on the chart.

Notwithstanding that, if you look at the language of the Hagarty amendment, what you have in effect is a broad health exception: "death"—fine—"substantial risk of death, serious physical injury"—what is that; what is "serious physical injury"?—"serious physical illness"—once again, what is that? There could be any number of scenarios whatsoever.

Remember what I said earlier, what we are trying to do is weigh life against health. Now, keep in mind, in cases where there is a health issue, when there is an induced childbirth after the stage where the experts say there is a 50-50 chance for the baby to survive, that no longer is within the definition of "abortion" anyway, and that is frequently done where a baby is taken early, to try to save the baby and also to assist the health of the mother. What this amendment does is take us back precisely where we are, which can afford no protection whatsoever to unborn children at any stage of pregnancy.

I ask for a "no" vote. Thank you, Mr. Speaker.

The SPEAKER. The question is on the amendment. On that question, from Philadelphia, Representative Josephs is recognized.

Ms. JOSEPHS. Thank you, Mr. Speaker.

When I last rose to speak, I blamed the antiabortion movement for many of the late-term abortions we have, and I got such an angry reaction from some of the antiabortion people around me, I know I must have been right. This time I rise to present to you this hypothetical which is certainly true in some instances and to show you that voting against this amendment may actually cause more abortions also, and let me tell you why.

A woman comes to her physician. She is in fragile health. She wants to have a baby. She is pregnant. The physician says to her, you live in a State—and if the antiabortion people have their way, we will live in a country—where it will be very difficult or impossible to get an abortion around the 22d, 24th week of your pregnancy; your health is very fragile; I advise you not to try to have this baby; I advise you to get your abortion right now. If you do not think that happens, you need to look at some of the testimony that we heard and hear some of the stories that we know.

I believe that a vote against this amendment may cause some women who would otherwise have tried to have the baby to change their mind. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, from Bucks County, Representative Heckler is recognized.

Mr. HECKLER. Thank you, Mr. Speaker.

I asked the sponsor of the language which has now been placed in this bill what research had been done concerning the kinds of medical problems which would confront a woman late in pregnancy which gave rise to this particular formulation of language which Representative Hagarty now seeks to change. It was particularly appropriate that I got no answer to that question, because the original legislation that was introduced by that gentleman included no exception except when three doctors guaranteed that the woman would die unless she received an abortion. Now we have a new formulation in the bill which requires certain and irreparable harm. I do not know where that language came from. Perhaps—I hope, at any rate—it is not from the same doctor who said that women cannot conceive as a result of a rape.

I would suggest that once again we are dealing with real-life situations in which women's lives and their ability to reproduce in the future, their ability to survive a pregnancy, are at stake, and I urge you to think carefully about this amendment and to vote for the Hagarty amendment.

The SPEAKER. On the amendment, from Philadelphia, Representative Weston is recognized.

Mrs. WESTON. Thank you, Mr. Speaker.

Let us not forget that we are talking about the portion of Freind's amendment that deals with a baby that is 24 weeks into the term. What Representative Hagarty's amendment would do is broaden the ability of a woman to have an abortion after 24 weeks. I believe the current language in Representative Freind's amendment adequately protects women at that stage of the pregnancy and, more importantly, gives better protection to a baby who is 6 months along in the pregnancy.

I urge "no" on this amendment.

The SPEAKER. The question is on the amendment, and on that question, from Dauphin County, Representative Piccola is recognized.

Mr. PICCOLA. Thank you, Mr. Speaker.

I would urge that the House adopt the Hagarty amendment. I opposed the Itkin amendment because it has always been my feeling that with respect to later-term abortions, the definition of "health" was too broad, and I congratulate Representative Freind for attempting to narrow it, but I think the point that Representative Hagarty is attempting to make is that it becomes difficult, if not impossible, in many cases—And we are not talking about a lot of abortions here. There are simply just not that many after 24 weeks in Pennsylvania. But what she is attempting to say is that the physician, if he cannot certify with any definite reasonable ability that the illness will be permanent, will not be able to certify that for health reasons. All Representative Hagarty is saying is that the illness or the injury would result in a protracted loss or impairment of bodily function.

I am not a physician, obviously, but it is my understanding that with respect to renal failure or diabetes, it is possible that

in later-term pregnancies, blindness or kidney failure is a possibility, but it may become difficult for the physician to certify that that will be permanent. Therefore, I think what Representative Hagarty is trying to do is arrive at a definition of "health" that is reasonable under the circumstances, is restrictive and appropriately restrictive, and I would urge that her amendment be adopted.

The SPEAKER. From Cambria County, Representative Wozniak is recognized.

Mr. WOZNIAK. Thank you, Mr. Speaker.

I was wondering if I could interrogate the maker of the Freind amendment, Steve Freind.

The SPEAKER. He indicates he will stand for interrogation. You may proceed.

Mr. WOZNIAK. Thank you, Mr. Speaker.

Would it be all right, Mr. Speaker, if I would run through a scenario and then the maker of the amendment could tell me if it would fit in in his overall bill or not?

The SPEAKER. That might be appropriate.

Mr. WOZNIAK. Okay. It is very personal to me, and this would be very helpful in my decisionmaking process.

A woman is in the late seventh month of her pregnancy, develops a high rate of toxemia, and goes into the hospital one day. In the evening the doctor makes a decision. The mother is all hooked up to the fetal monitor, gauging the blood pressure and all that kind of stuff. The doctor comes in and makes a decision to induce labor. At this point, obviously, we are going to have a premature birth. Under your language, the Freind amendment language, is this considered an abortion, and will the doctor not be able to make this decision unless he has two other doctors in agreement?

Mr. FREIND. Thank you, Mr. Speaker.

Number one, if it is prior to that period of time—let us say it is 6 months—and because of the toxemia the physician believes that it could cause a stroke, obviously, that would be a threat to the life and also to the irreversible and substantial impairment of major bodily function. But secondly, when you are talking late seventh month, you are talking about 28 weeks. Most of the medical experts believe that at about 26 weeks it is then 50-50 on survival. When it becomes 50-50 on survival, it is not an abortion anyway; it is a premature delivery, because if you look at the definition of "abortion," it is a procedure which (a) ends the pregnancy and (b) is likely to cause the death of the unborn child. So in birth circumstances, the woman would be protected.

Mr. WOZNIAK. Thank you, Mr. Speaker. That was my concern.

On the amendment, I would let everybody decide on their own as to what direction they would like to go.

The SPEAKER. From Philadelphia, the Chair recognizes Representative Linton on the amendment.

Mr. LINTON. Thank you very much, Mr. Speaker.

Mr. Speaker, in the current bill that we have before us with the Freind amendment, Representative Freind makes reference to "substantial and irreversible impairment of a major bodily function of the woman," and we have before us an

amendment being proposed by Representative Hagarty. I would like to know, under interrogation, if Representative Hagarty would inform me of the types of illnesses that would occur that would allow the doctor to intervene in the pregnancy under her amendment.

The SPEAKER. The lady has consented to interrogation and may proceed with the answer.

Mrs. HAGARTY. Mr. Speaker, there are several illnesses, as I understand, that would allow intervention that would not necessarily or at least comfortably meet for the doctor Representative Freind's definition of "irreversible" but would be very serious. One disease of that nature—I cannot pronounce the word—is meningioma. It is a benign tumor in the head. It swells during pregnancy, because it is fed by the hormones of pregnancy, causing severe impairment but not necessarily permanent.

There is a disease of the fatty liver of the pregnancy which is a substantial liver degeneration, and if the baby is delivered, the patient generally gets better.

Cystic fibrosis is another disease, which is a congenital abnormal lung tissue. It creates stress on the lungs, and it can be necessary to deliver a baby early for that disease; again, another disease which a doctor might not necessarily comfortably certify is irreversible but is severely medically threatening and very serious to the woman.

Lupus is another disease in which the immune system reacts against the body and kills cells in the bloodmaking system.

There are also cancers which, as I understand it, may not be life threatening - cervical cancer in early stages, breast cancer in early stages - but obviously, as we all know about cancer, as they progress, they become much more serious to the woman. The hormones fed by pregnancy cause that advancing cancer, but it is unclear whether or not they would meet Representative Freind's definition, and I think the point that has to be made is that two doctors must certify that it would meet that definition under penalty of a felony. Also, I ask you to keep in mind that even under my amendment, you still need two doctors to certify that the disease would meet this very narrow definition that we are now proposing for "health" for these terminations of pregnancy for the health of the mother in late pregnancy.

Mr. LINTON. Thank you, Mr. Speaker.

If I am in order, Mr. Speaker, I would like to make a statement.

The SPEAKER. The gentleman is in order to make remarks on the amendment.

Mr. LINTON. Mr. Speaker, I have two lovely daughters, and I am very happy to have had the opportunity to be in the delivery room at the time of both of their births, but I also recall during the birth of my second child that there were some difficulties that occurred at that time on the fetal monitor, and I know at that time that I had to consult with the physician in terms of both the life of my daughter but also what in fact that could potentially have to the health of my wife. That is a very, very difficult decision for anyone to have to make, but it is a decision that, I think, should rest in the hands of

that family and that physician who is there at that time. I do not think that we should try to impede medical practice. I do not think we should try to define some very narrow scope of medical practice that will inhibit the doctor from using all of the medical avenues that he has available.

I think Representative Freind has gone too far. I think that in that difficult time when that difficult decision has to be made, serious risk of death, serious physical injury, serious physical illness, or protracted loss or impairment of bodily function of the pregnant woman should be a factor. It should be a factor that should be allowed to be used in making that decision. I think that if the men of this House had to make that decision for their wives and were standing there at that time, they, too, would find it a very, very difficult decision, but they would hope that the doctor, with all of his medical knowledge, would be allowed to use that to advise them on the right and correct choice to make, and I would hope that they would choose in favor of the woman. Thank you very much, Mr. Speaker.

The SPEAKER. From Wayne County, Representative Birmelin is recognized.

Mr. BIRMELIN. Thank you, Mr. Speaker.

Just briefly to reiterate what Representative Freind said, I think you run the risk with this language here of opening up a loophole large enough to drive a Mack truck through. "Serious physical illness" and "protracted loss or impairment of bodily function" again sets health of the mother above life of the child, and I think that is wrong to do that.

As difficult as these cases may be, we have to understand that we are not talking about just some simple medical procedure. We are talking about ending the life of a child and counterbalancing that with the health of the mother. I think it is very important that you must in this case, as in these other cases we have discussed, you must opt for life. You and I all know of cases where people have been told that if you carry this child to term, you are going to die or you are never going to be able to walk again and all these other scenarios, and these people are walking our streets today and having happy and fruitful and productive lives.

I think it is wrong to say we are going to kill someone, we are going to eliminate a life, simply because someone else may have a health problem. I think that is wrong to do that, and I would ask for a "no" vote on the Hagarty amendment.

The SPEAKER. From Lehigh County, the Chair recognizes Representative Ritter.

Ms. RITTER. Thank you, Mr. Speaker.

I wonder if the gentleman, Mr. Freind, would stand for a moment of interrogation.

The SPEAKER. He indicates that he will. You may proceed.

Ms. RITTER. I have a couple of questions. First of all, we have heard and I have heard this now several times where you have referred to someone from Planned Parenthood who has talked about abortions that are done after viability and that only 2 percent or some such number are done for purposes of life and health. Can you fill us in on where this information came from?

Mr. FREIND. Yes. That was a survey done not by a person but by the Guttmacher Institute, which, as you know, is the research arm of Planned Parenthood. So they are not my conclusions; they are the conclusions reached by the Guttmacher Institute, an arm of Planned Parenthood.

This in fact is in an article, "Why Do Women Have Abortions?" written by Aida Torres and Jacqueline Darroch Forrest, published by the Guttmacher Institute, and in it, in fact, it has a number of polls as to why women have abortions at early stages and also at later stages, and in fact, their chart, not mine, indicates that with respect to late-term abortions, health is not even on their chart. So, Mr. Speaker, if you have a problem with that information, your problem is not with me; it is with the Guttmacher Institute.

Ms. RITTER. The problem is not with the information; it is with your interpretation of the information, because no one from Planned Parenthood or any other organization has ever seen this language, and we feel that it is being misrepresented as coming from Planned Parenthood.

Mr. FREIND. If that is a question, I find it hard to believe that Planned Parenthood has not seen the information published by its research arm.

Ms. RITTER. Does the survey that you are talking about refer to a particular time period? Is it the 24 weeks that you have set it at? Does it refer to viability, or is it all abortions that are done for those reasons?

Mr. FREIND. With respect to late term, they break it down. It is after 16 weeks.

Ms. RITTER. After 16 weeks?

Mr. FREIND. After 16 weeks, not 24, 16.

Ms. RITTER. All right. So again, we are not talking about viability at that point?

Mr. FREIND. No. As a matter of fact, we are talking about even before. When you talk about health in later stages, this goes to 16 weeks, and it says, 16 weeks and thereafter, any time thereafter, health is not even on the chart.

Ms. RITTER. All right. Thank you, Mr. Speaker.

In terms of this information, what you have to keep in mind is the statistics that I gave you from the Department of Health, which are on your desks, which show you the very, very small number of abortions that are done after viability. So if you are including abortions that are done from 16 weeks on, then a 2-percent number may be likely, because the number of abortions performed after the viability point is so very small that the total effect on the percentages is also going to be very small. So again, we have got numbers which are manipulated to make a situation appear which is really not the case.

I want to support this amendment, Mr. Speaker, because—If I may speak on it.

The SPEAKER. The lady is in order.

Ms. RITTER. Thank you, Mr. Speaker.

I rise to support this amendment. This amendment has been very carefully drafted by the lady, Mrs. Hagarty, to address the specific concerns that we have talked about, specific conditions, including toxemia and all the other lists that you

have. I personally had the situation where my mother had toxemia when I was born, and I was an early delivery. Now, whether or not you are talking about an abortion or an early delivery as defined in this bill, you are putting a burden on the physician to have to work with this language,

and if at the point of 24 weeks they perform an early delivery, either an induced delivery or a C-section, and they cannot save the fetus because it is not viable at that point, they may be liable for a first-degree felony, which could put them in jail for up to 20 years, fine them up to \$25,000, and it would require them to lose their license.

Now, if you think that any physician is going to make a judgment that could cause him those kinds of penalties and you think he is not going to just walk away from that case rather than find himself in that situation, then you are crazy. We are talking about medical malpractice rates in this State that are incredibly high, and this is certainly going to add to that. So if you have any concern for the physicians and their malpractice rates, that is reason enough to substitute the Hagarty language which puts the discretion back in the physician's hands where it belongs.

We are not talking about anything but serious situations, serious health problems, conditions which may be substantial but may not be irreversible, and that is the problem with the language in the Freind amendment. That is what this amendment will address - situations which will have substantial impairment but which are not irreversible, such as a stroke and such as cases of toxemia.

So I would strongly suggest that the members support the Hagarty amendment. Thank you.

The SPEAKER. From Delaware County, Representative Freind is recognized.

Mr. FREIND. Very, very briefly, Mr. Speaker. To repeat, if this amendment is adopted, we go back to where we are now - maternal life or health. Very, very general, which when you look at the language—and I do not know what the language means—"serious physical illness, protracted"—what is "protracted"?—"loss or impairment of bodily function of the pregnant woman," you are giving what we have now, a broad-based health exception which defined by the courts means any time for any reason.

We very carefully balanced this after 24 weeks. When it is life of the mother against life of the baby, it is life of the mother. When it is serious and irreversible impairment of major bodily function of the mother against the life of the baby, it comes down on the side of the mother. When, however, it is health in its broadest sense of the mother against the life of the unborn child, common sense seems to dictate that the scales must be tilted in favor of life.

I sincerely hope that we reject the Hagarty amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from York County, Representative Foster, on the amendment.

Mr. FOSTER. Thank you, Mr. Speaker.

I rise to oppose the amendment. The statements made just a moment ago by the lady from Lehigh prompted me to take the

microphone against my better judgment with my physical condition today. However, I think if you are making a judgment between an early delivery and a late abortion, the language contained in the bill is much more likely to cause physicians to opt for an early delivery, and I do not want to see that language disturbed.

I sincerely advocate that you vote against the amendment.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—70

Acosta	Gladeck	Maine	Richardson
Bishop	Godshall	Merry	Ritter
Bortner	Hagarty	Michlovic	Roebuck
Bowley	Harper	Miller	Rudy
Boyes	Hayden	Moehlmann	Saurman
Brandt	Heckler	Murphy	Scheetz
Broujos	Hughes	Nahill	Smith, B.
Carn	Itkin	O'Donnell	Thomas
Chadwick	Jackson	Oliver	Trich
Cornell	James	Petrone	Van Horne
Cowell	Josephs	Piccola	Veon
DeWeese	Kukovich	Pievsky	Wambach
Davies	Lashinger	Pistella	Williams
Dorr	Levdansky	Pressmann	Wilson
Evans	Linton	Preston	Wright, D. R.
Farmer	McNally	Reber	Wright, J. L.
Fox	McVerry	Reinard	Wright, R. C.
Freeman	Maiale		

NAYS—131

Adolph	Dietterick	Kondrich	Robinson
Allen	Dininni	Kosinski	Ryan
Angstadt	Distler	LaGrotta	Rybak
Argall	Dombrowski	Langtry	Saloom
Barley	Donatucci	Laughlin	Schuler
Battisto	Durham	Lee	Scrimenti
Belardi	Fairchild	Leh	Semmel
Billow	Fargo	Lescovitz	Serafini
Birmelin	Fee	Letterman	Smith, S. H.
Black	Fleagle	Lloyd	Snyder, D. W.
Blaum	Flick	Lucy	Snyder, G.
Bunt	Foster	McCall	Staback
Burd	Freind	McHale	Stairs
Burns	Gallen	Markosek	Steighner
Bush	Gamble	Marsico	Stish
Caltagirone	Gannon	Mayernik	Strittmatter
Cappabianca	Geist	Melio	Stuban
Carlson	George	Micozzie	Tangretti
Cawley	Gigliotti	Morris	Taylor, E. Z.
Cessar	Gruitza	Mowery	Taylor, F.
Civera	Gruppo	Mrkonic	Taylor, J.
Clark, B. D.	Haluska	Nailor	Telek
Clark, D. F.	Hasay	Noye	Tigue
Clark, J. H.	Hayes	O'Brien	Trello
Clymer	Herman	Olasz	Vroon
Cohen	Hess	Perzel	Wass
Colafella	Howlett	Pesci	Weston
Colaizzo	Jadlowiec	Petrarca	Wogan
Cole	Jarolin	Phillips	Wozniak
Corrigan	Johnson	Pitts	Yandrisevits
Coy	Kaiser	Raymond	
DeLuca	Kasunic	Rieger	Manderino,
Daley	Kenny	Robbins	Speaker
Dempsey			

NOT VOTING—0

EXCUSED—2

Belfanti Hershey

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

The SPEAKER. Is there another amendment to be offered by Representative Hagarty? The amendment will be sent to the clerk, and the clerk will read the amendment.

ANNOUNCEMENTS BY SPEAKER

The SPEAKER. Prior to reading the Hagarty amendment being offered at this time, the Chair would like to announce for Representative Andrew Carn from Philadelphia that he has unfortunately lost about 10 keys which are very important to him. He misplaced them somewhere in the hall of the House. If any member sees on his desk or near his desk a set of 10 keys, they probably belong to Andrew Carn if they are foreign to the member or the place they may be.

The Chair would like all the members of the House to know that today is the 47th—47th—wedding anniversary of Representative William Rieger and spouse.

CONSIDERATION OF SB 369 CONTINUED

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Mrs. HAGARTY offered the following amendment No. A3402:

Amend Sec. 4 (Sec. 3211), page 7, line 37 (A3332), by striking out “and” and inserting

or

On the question,
Will the House agree to the amendment?

2-MINUTE RULE INVOKED

The SPEAKER. The gentleman previously objecting to the imposition of the 2-minute rule has withdrawn that objection. The Speaker would like to impose the 2-minute rule if there are no other objections to the 2-minute rule. Members will be able to speak twice on every amendment before us, but each time they will be limited to 2 minutes.

Are there objections to the imposition of the 2-minute rule?

PARLIAMENTARY INQUIRY

Mr. REBER. Mr. Speaker, point of parliamentary inquiry in regard to the possible raising of such an objection.

The SPEAKER. Will the gentleman from Montgomery, Mr. Reber, state the point of parliamentary inquiry.

Mr. REBER. Mr. Speaker, if the 2-minute rule is invoked and a speaker has a desire to finish a train of thought or finish something that he thinks is important for the House that for all intents and purposes has not been raised yet in today's debate and that speaker would so notify the Chair, would there be the opportunity for that individual to continue that particular issue or subject matter and not be cut off and deprived the right of so advising the chamber?

The SPEAKER. The 2-minute rule indicates that members have 2 minutes to speak, and I do not know how to change the 2-minute rule on the spur of the moment without being unfair to someone. If you object to the 2-minute rule, I will not impose the same.

Is there an objection to the 2-minute rule?

PARLIAMENTARY INQUIRY

Ms. JOSEPHS. I have a parliamentary inquiry also, Mr. Speaker.

The SPEAKER. Will the lady from Philadelphia, Ms. Josephs, state her point of parliamentary inquiry.

Ms. JOSEPHS. If the 2-minute rule is imposed, is it imposed until the end of the debate on this amendment and bill or is there any way to lift it?

The SPEAKER. The imposition of the 2-minute rule by the Speaker is an imposition of a rule which contravenes the rules of this House. It can only be imposed when all members of the House are in agreement. Any time a member objects, he can incur the wrath of the House, but he can dispose of the rule.

Ms. JOSEPHS. Thank you, Mr. Speaker.

The SPEAKER. Is there an objection to the 2-minute rule?

PARLIAMENTARY INQUIRY

Mr. DAVIES. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies. State your point of parliamentary—I am not going to spend a half an hour here discussing whether or not we should go into a 2-minute rule.

Mr. DAVIES, what is the point of parliamentary inquiry?

Mr. DAVIES. In your ruling, sir, does that include the matter of interrogating the individual?

The SPEAKER. It certainly does. The member is entitled to the floor twice, 2 minutes each time.

Without objection, the Chair will institute a 2-minute rule. Each member will speak 2 minutes on the subject matter before the House. He will speak no more than twice.

Are members in receipt of the Hagarty amendment A3402? It is not in the packet. Is it in the packet? It is not in order to consider an amendment that is not on the members' desks. We will have to pass over that amendment at this time.

Mrs. HAGARTY. Mr. Speaker, it is in the packet that was distributed by leadership. It is the last one, I believe, in that packet which is now on the members' desks.

The SPEAKER. Is there anyone who does not have a copy of the amendment? Anyone wishing a copy of the amendment, indicate to the pages. The amendment appears to be in the packet.

Mrs. HAGARTY. Mr. Speaker, I correct that. It is the third-from-the-last amendment in the packet that was distributed.

The SPEAKER. The question is on the amendment, amendment 3402. On that amendment, the author of the amendment, Representative Hagarty from Montgomery County, is recognized.

Mrs. HAGARTY. Thank you.

Mr. Speaker, it seems to me that many of the members on the last vote were concerned with the language of my prior amendment which they thought created too big a possible loophole because of the words "serious physical illness or impairment of bodily function."

This amendment, I believe, corrects those concerns. It is very narrowly drawn, and what it does is it takes Representative Freind's language, in which his language says that in order to terminate a pregnancy after 24 weeks, there must be substantial and irreversible impairment of a major bodily function, and changes the "and" to "or." The reason I suggest the "or" is because of the nature of the certainty of the judgment which "irreversible impairment" calls upon the physician to make. It seems to me that this corrects all of those concerns, because this amendment means that it must be substantial impairment or irreversible impairment of a major bodily function of the woman. I do not think that anyone can suggest that this standard can be subject to abuse or too broad.

I also—and I wanted to say it in the last debate and did not get a chance—want to call your attention to something very important. Representative Freind's amendment provides and I do not change the fact that the physician must attempt, if he is doing a termination of the pregnancy hopefully for purposes of delivering the baby, that it must be done in the manner most likely to result in the live birth, again, unless it meets this very strict definition of the woman's health. The reason this is a concern is because abortion and delivery, while members might like to believe are different, when we are talking about late pregnancy, we are talking about termination. We want them to be done to have live babies.

The SPEAKER. The question is on the amendment. On that question, does Representative Hagarty wish to be recognized for the second time?

Mrs. HAGARTY. No. I will conclude my remarks.

The SPEAKER. Representative Freind from Delaware County is recognized on the amendment.

Mr. FREIND. Once again, Mr. Speaker, I rise to oppose this amendment. As I indicated before, we were very careful on how we drafted this exception - substantial and irreversible. When you make it "or," what in fact you do is almost precisely the thing that you did in the previous amendment which you overwhelmingly defeated. For example, if in fact the pregnancy might cause someone not to be able to walk for

several days, that is substantial. It is not irreversible. When you make it "or" instead of "and," what you in fact do is take it back to the broad-based health exception.

And again—and I hate to keep saying this—we have tried to weigh: Life against life, it is the life of the mother. Substantial and irreversible impairment of bodily function of the mother against life of the unborn baby, the scales come down on the side of the mother. But when in fact you have health, which is not both substantial and irreversible impairment of major bodily function, against the life of the unborn baby, the scales have to be tipped in favor of the baby.

I would sincerely ask for a negative vote on this amendment. Thank you.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—74

Acosta	Freeman	Maiale	Richardson
Bishop	Gladeck	Maine	Ritter
Blaum	Godshall	Merry	Roebuck
Bortner	Hagarty	Michlovic	Rudy
Bowley	Hayden	Miller	Saurman
Boyes	Heckler	Moehlmann	Scheetz
Brandt	Hughes	Murphy	Smith, B.
Broujos	Itkin	Nahill	Stairs
Carn	Jackson	O'Donnell	Thomas
Chadwick	James	Oliver	Trich
Cornell	Josephs	Petrone	Van Horne
Cowell	Kukovich	Piccola	Veon
DeWeese	Lashinger	Pievsky	Wambach
Davies	Lee	Pistella	Williams
Dorr	Levdansky	Pressmann	Wilson
Evans	Linton	Preston	Wright, D. R.
Farmer	Lloyd	Reber	Wright, J. L.
Flick	McHale	Reinard	Wright, R. C.
Fox	McVerry		

NAYS—126

Adolph	Dempsey	Kenney	Robinson
Allen	Dietterick	Kondrich	Ryan
Angstadt	Dininni	Kosinski	Rybak
Argall	Distler	LaGrotta	Saloom
Barley	Dombrowski	Langtry	Schuler
Battisto	Donatucci	Laughlin	Scrimenti
Belardi	Durham	Leh	Semmel
Billow	Fairchild	Lescovitz	Serafini
Birmelin	Fargo	Letterman	Smith, S. H.
Black	Fee	Lucyk	Snyder, D. W.
Bunt	Fleagle	McCall	Snyder, G.
Burd	Foster	McNally	Staback
Burns	Freind	Markosek	Steighner
Bush	Gallen	Marsico	Stish
Caltagirone	Gamble	Mayernik	Strittmatter
Cappabianca	Gannon	Melio	Stuban
Carlson	Geist	Micozzie	Tangretti
Cawley	George	Morris	Taylor, E. Z.
Cessar	Gigliotti	Mowery	Taylor, F.
Civera	Gruitza	Mrkonjic	Taylor, J.
Clark, B. D.	Gruppo	Nailor	Telek
Clark, D. F.	Haluska	Noye	Tigue
Clark, J. H.	Hasay	O'Brien	Trello
Clymer	Hayes	Olasz	Vroon
Cohen	Herman	Perzel	Wass
Colafella	Hess	Pesci	Weston
Colaizzo	Howlett	Petrarca	Wogan
Cole	Jadlowiec	Phillips	Wozniak
Corrigan	Jarolin	Pitts	Yandrisevits
Coy	Johnson	Raymond	
DeLuca	Kaiser	Rieger	Manderino,

Daley Kasunic Robbins Speaker
NOT VOTING—1

Harper
EXCUSED—2

Belfanti Hershey

The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Mr. HECKLER offered the following amendments No. A3341:

Amend Sec. 4 (Sec. 3211), page 7, line 39 (A3332), by inserting after "woman
or where fatal anomalies have been diagnosed in the fetus

Amend Sec. 4 (Sec. 3211), page 8, line 2 (A3332), by inserting after "woman
or where fatal anomalies have been diagnosed in the fetus

Amend Sec. 4 (Sec. 3211), page 8, line 10 (A3332), by inserting after "woman
or where fatal anomalies have been diagnosed in the fetus

Amend Sec. 4 (Sec. 3211), page 8, line 19 (A3332), by inserting after "methods
, or fatal anomalies have been diagnosed in the fetus

On the question,
Will the House agree to the amendments?

The SPEAKER. On that question, Representative Heckler from Bucks County is recognized.

Mr. HECKLER. Thank you, Mr. Speaker.

Mr. Speaker, this is a real-world amendment. As we have already heard, relatively few post-24-week abortions occur now under the Roe v. Wade standards which have prevailed in this State. Less than 2 percent in 1988 of all abortions occurred after that time. I would suggest to you that many such abortions that occur at that late date arise because physicians have diagnosed a fatal anomaly in the fetus.

My amendment would add as an exception to the absolute prohibition which Representative Freind's language imposes an exception where a fatal anomaly has been diagnosed in the fetus. We are not in this amendment talking about freckles; we are not talking about cleft palate; we are not even talking about Down's syndrome. We are talking about a situation in which a doctor, hemmed in by all of the concerns and safeguards and felony provisions that are included in this piece of legislation, says, Mr. and Mrs. Jones, your baby is dead; your baby is going to die certainly because of some recognized medical condition.

Mr. Speaker, on the floor in this debate so far we have frequently heard arguments in favor of restrictions on abortion begun by the words "I believe." We all respect those beliefs individually held, but we simply were not sent here to substitute our beliefs for the agonized judgment of a man and a woman who have been told by a doctor that the baby they

want very much will surely die whenever it is delivered. Thank you.

The SPEAKER. The question is on the amendment. On that question, from Lehigh County, Representative McHale is recognized.

Mr. McHALE. Thank you, Mr. Speaker.

Would the gentleman, Mr. Heckler, stand for interrogation?

The SPEAKER. The gentleman indicates he will.

Mr. McHALE. Mr. Speaker, the concern that I have is with regard to the timing of the doctor's decision, and I am not sure that I understand the language as it is presented in your amendment. You indicate that a post-24-week abortion can occur where the doctor determines that there is a fatal anomaly present in the fetus. My question is, fatal when? If the doctor, for instance, determines that the fetus, which is 25 weeks old, will die within 2 to 3 weeks, would your amendment cover that situation?

Mr. HECKLER. Will die—I am sorry—within 2 to 3 weeks of the time when the diagnosis is given?

Mr. McHALE. Yes.

Mr. HECKLER. It would certainly cover that situation. My amendment is intended to cover any situation in which the doctor can ascertain with certainty—and I might point out that under the underlying bill it is two doctors—that the fetus will die. That could be, as in the case of an anencephalic child, at the time of birth or shortly thereafter or during the gestational period.

Mr. McHALE. That is my concern, Mr. Speaker. There is no limit as spelled out in your amendment. You say shortly after birth. There is no limit to when after birth, whether we are talking about a few minutes, a few days, a few years. I think that that lack of precision raises some very troubling questions. If you could address that issue, I would appreciate it.

Mr. HECKLER. Is that a question?

Mr. McHALE. Yes.

You indicated "shortly," that your amendment is intended to cover fatalities which the doctor diagnoses might occur shortly after birth, and my concern is that there is no limitation on what you mean by shortly after - a few minutes, a few days, a few months, a few years.

Mr. HECKLER. My amendment is intended to comprehend any situation in which the doctor can say with certainty that the medical condition he has diagnosed will certainly result in death.

Mr. McHALE. I thank the Speaker.

The SPEAKER. The question is on the amendment. On that question, from York County, Representative Foster is recognized.

Mr. FOSTER. Mr. Speaker, my only regret is that the beautiful young lady who shared this story with me could not be here to relate it personally. But when she was conceived, her mother contracted German measles, and the despairing parents were told by the doctor that absolutely they should terminate that pregnancy, absolutely end it, because the child

is going to be hopelessly deformed. Thank God the parents had a little more faith and trust and the child was born, and today she is a beautiful young lady.

I would ask for a negative vote on the amendment.

The SPEAKER. The question is on the amendment. On the amendment, the gentleman from Bucks, Mr. Heckler, is recognized.

Mr. HECKLER. Thank you, Mr. Speaker.

The first woman to be confronted in Missouri with the restrictions which were upheld by the court, which leads, so we hear, to all of this, was forced to seek an abortion elsewhere because the fetus that woman was carrying lacked a number of its vital organs. That woman almost died before that abortion could occur. Her husband said, I am not prochoice and I am not prolife, but nobody who wrote this law was thinking about us.

I ask you, Mr. Speaker, to think about whether we were sent here to tell a woman who has been assured not that the baby may be seriously deformed or terribly deformed but that the baby has an identifiable condition - anencephalic. It occurs 1 in every 1,000 to 2,000 pregnancies. There is no brain. Unlike the advocates who bombard us with mail, I did not send around pictures that I have obtained of an anencephalic monster, as it is called. To have your wife, your daughter, you—those of you who are women—told that that is what you are carrying, and because the Pennsylvania Legislature has in its wisdom decided that it is better as a matter of policy that you carry that anencephalic monster or that Potter's syndrome infant that has no lungs or kidney to full term so that you can deliver it to die, if that is what you think we are here for, then vote against this amendment by all means.

I urge you, however, to recognize that those kinds of decisions at least belong within the purview of the individuals who are faced with this terrible situation.

The SPEAKER. The question is on the amendment. On that question, from Berks County, Representative Leh is recognized.

Mr. LEH. Thank you, Mr. Speaker.

The gentleman from Bucks County made the remark that this is the real world, and that is true. This is the real world. There are a number of amendments that have been offered here today and more will be offered that deal with specific hard-case issues, and let me remind you that if we make exceptions for every hard-case single issue that comes along, we will end up with no law at all.

I think the Freund bill addresses these situations quite amply, and I would respectfully ask you to reject the Heckler amendment and let us get on with the business. Thank you, Mr. Speaker.

The SPEAKER. From York County, Representative Snyder is recognized.

Mr. G. M. SNYDER. Mr. Speaker, may I interrogate the sponsor of the amendment?

The SPEAKER. The gentleman, Mr. Heckler, indicates he will consent to interrogation. You may proceed.

Mr. G. M. SNYDER. Mr. Speaker, what do you mean by the phrase "shortly after birth"?

Mr. HECKLER. That was part of an answer I gave previously. I do not believe this amendment does fix a specific time. I think the gentleman is quite right about this. I think this amendment deals with any situation which is diagnosed by two physicians as being fatal. That could be prior to when birth would normally occur or thereafter.

Mr. G. M. SNYDER. For an unspecified period of time thereafter?

Mr. HECKLER. Yes.

Mr. G. M. SNYDER. That concludes my interrogation. Thank you.

The SPEAKER. The question is on the amendment. On that question, from Montgomery County, Representative Hagarty is recognized.

Mrs. HAGARTY. Thank you, Mr. Speaker.

Mr. Speaker, if I only speak once and I go over 2 minutes, may I use my other 2 minutes at the same time?

The SPEAKER. The Speaker will allow the second 2 minutes to be taken at that time.

Mrs. HAGARTY. Thank you.

The SPEAKER. I will indicate when the first 2 minutes are up, and if you want to continue to speak, you can.

Mrs. HAGARTY. The reason I ask that question is I want to share a story, my personal situation which I shared with my caucus yesterday for the first time publicly, and I felt it was important, although it is difficult to do so because my heart breaks for the people who may encounter this situation.

As many members of this House know, I was pregnant, I think it is now 7 years ago, and gave birth to a stillborn baby. That baby died 2 weeks before delivery. The baby died because it had severe congenital abnormalities. God made that decision. I did not know that the baby would not live, and so I was not faced with the situation in this amendment. I want to share it with you though, because I had the experience of carrying a baby without a heartbeat.

I want to suggest to you that if a doctor tells a woman, and there are certain situations—they are few, but they are certain—in which a doctor can assure a woman that a baby will not be born, that that baby will not be able to live, I think that to make that woman carry a baby knowing that that heart is going to stop any day, knowing that she must endure the remainder of that pregnancy with a baby that she knows for certain is going to die, is a cruel and hard and a wrong thing to do to women.

So I think it is important that we support this amendment. Thank you.

The SPEAKER. From Philadelphia, Representative Josephs is recognized on the amendment.

Ms. JOSEPHS. I want to thank Representative Hagarty for sharing that in public. I had not known it before, and it makes me feel very sad. I hope that those of you who vote against this amendment understand that you are hurting your own colleagues here.

The SPEAKER. The question is on the amendment. Representative Freind from Delaware County is recognized.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to oppose this amendment. I said at the very outset that there were many wrenching cases, and I was aware of the situation with Representative Hagarty when it happened, and I was very sorry, as I advised her then, but that is not the issue with this amendment.

This amendment says, "...fatal anomalies have been diagnosed...." Number one, there is no definition of a fatal anomaly. What does it mean? I do not know.

Mr. Heckler, in response to interrogation, has said there is no time limit. We are not just talking about a baby who tests indicate will die before he or she is born but who will die anytime thereafter - 2 years, 3 years, 4 years. As a matter of fact, Huntington's disease, which can be diagnosed prenatal, attacks generally when you are 40 years of age or older. Where do we draw the line? I would take Mr. Heckler at his word. He said when any indication has been developed that an unborn child has a diagnosis which means that he or she will die. Every one of us who has ever been conceived had that diagnosis. It is called humanity, and unfortunately we know that sometime following our birth we are all going to die. This amendment, with no definition and no limitation, permits you to have an abortion for any reason whatsoever, because we are all going to die. It does not define it. It does not extend the time period.

It is an extremely dangerous amendment, and I sincerely hope that we reject it. Thank you, Mr. Speaker.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—73

Acosta	Freeman	Marsico	Richardson
Argall	Gladeck	Merry	Ritter
Bishop	Godshall	Michlovic	Roebuck
Bortner	Hagarty	Miller	Rudy
Bowley	Harper	Moehlmann	Saurman
Brandt	Hayden	Murphy	Scheetz
Carn	Heckler	Nahill	Semmel
Chadwick	Hughes	Nailor	Smith, B.
Cohen	Itkin	O'Donnell	Snyder, D. W.
Cornell	Jackson	Oliver	Thomas
Cowell	James	Petrone	Trich
DeWeese	Josephs	Piccola	Van Horne
Davies	Kukovich	Pievsky	Veon
Dietterick	Lashinger	Pistella	Wambach
Dorr	Lee	Pressmann	Williams
Evans	Levdansky	Preston	Wilson
Fairchild	Linton	Reber	Wright, D. R.
Farmer	Maine	Reinard	Wright, R. C.
Fox			

NAYS—126

Adolph	Dempsey	Kondrich	Robinson
Allen	Dininni	Kosinski	Ryan
Angstadt	Distler	LaGrotta	Rybak
Barley	Dombrowski	Langtry	Saloom
Battisto	Donatucci	Laughlin	Schuler
Belardi	Durham	Leh	Scrimenti
Billow	Fargo	Lescovitz	Serafini
Birmelin	Fee	Letterman	Smith, S. H.
Black	Fleagle	Lloyd	Snyder, G.

Blaum	Flick	Lucyk	Staback
Boyes	Foster	McCall	Stairs
Bunt	Freind	McHale	Steighner
Burd	Gallen	McNally	Stish
Burns	Gamble	McVerry	Strittmatter
Bush	Gannon	Maiale	Stuban
Caltagirone	Geist	Markosek	Tangretti
Cappabianca	George	Mayernik	Taylor, E. Z.
Carlson	Gigliotti	Melio	Taylor, F.
Cawley	Gruitza	Micozzie	Taylor, J.
Cessar	Gruppo	Morris	Telek
Civera	Haluska	Mowery	Tigue
Clark, B. D.	Hasay	Mrkonic	Trello
Clark, D. F.	Hayes	Noye	Vroon
Clark, J. H.	Herman	O'Brien	Wass
Clymer	Hess	Olasz	Weston
Colafiglia	Howlett	Perzel	Wogan
Colaizzo	Jadlowiec	Pesci	Wozniak
Cole	Jarolin	Petrarca	Wright, J. L.
Corrigan	Johnson	Phillips	Yandrisevits
Coy	Kaiser	Pitts	
DeLuca	Kasunic	Rieger	Manderino,
Daley	Kenney	Robbins	Speaker

NOT VOTING—2

Broujos Raymond

EXCUSED—2

Belfanti Hershey

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Ms. RITTER offered the following amendments No. A3409:

Amend Sec. 4 (Sec. 3211), page 8, line 12 (A3332), by striking out "The" and inserting

Where it would not pose an additional risk to the life or health of the pregnant woman, the

Amend Sec. 4 (Sec. 3211), page 8, lines 14 through 19, by striking out "unless the physician determines, in his or her good" in line 14, all of lines 15 through 18 and "woman than would other available methods in line 19 (A3332)

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the amendment's author, from Lehigh County, Representative Ritter.

Ms. RITTER. Thank you, Mr. Speaker.

This amendment deals with the section of abortions after viability, and again, remembering that under this section a physician is required to use the method of abortion which would best provide an opportunity for the unborn child to survive, which means we are talking about induced delivery or C-section. We are not talking about the difference between saline and D and E abortions and early delivery. We are talking about the difference between an induced delivery and a C-section.

What this amendment will do is provide the physicians the opportunity to use their best judgment as they have in the past, and we are not going to interfere with that judgment by requiring that a significantly greater risk must exist before the

woman's health can even be considered. This is saying, "Where it would not pose an additional risk to the life or health of the pregnant woman,..." then the physician would decide between the induced delivery or the C-section. Again, we are talking about those two methods of abortion - one or the other - and we are saying that it should be the physician's judgment, based on the wishes of the family at that point, as to whether an induced delivery should be done or whether a C-section should be performed. Remember that we are talking about major surgery when you are talking about a cesarean section.

Also remember that we are talking about 24 weeks and not necessarily viability. So what you may be doing is requiring that, with using the language "significantly greater risk," you may require that the woman's health be put at some risk to provide the best method of delivery for a fetus which is not viable and which cannot survive.

So again, we are allowing the physician to use the judgment in balancing— As they have said, there are two patients at that point. Once they get to viability, all physicians consider that they have two patients, and we think that they should have that opportunity. I would ask for a "yes" vote.

The SPEAKER. The question is on the amendment. On that question, from Delaware County, Representative Freind is recognized.

Mr. FREIND. Thank you, Mr. Speaker.

Once again, when we drafted the amendment, which we have already overwhelmingly passed, we were very careful. We said after 24 weeks, no abortion, except to avert the death of the mother or substantial and irreversible impairment of major bodily function. Then we went on to say, except in a medical emergency, the physician has to terminate the pregnancy in a manner which provides the best opportunity for the unborn baby to survive, unless the physician determines in his or her good-faith medical judgment that termination of the pregnancy in that manner poses a significantly greater risk either of the death of the mother or of the substantial and irreversible impairment of major bodily function. So once again we are getting down to the same issue that we fought five or six times and defeated already - the balancing of broad-based health against the life of the unborn child.

For the reasons we have set forth before, for the reasons for which you have defeated these amendments before, I urge the defeat of the Ritter amendment. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—60

Acosta	Freeman	Maiale	Reinard
Bishop	Gladeck	Maine	Richardson
Bortner	Hagarty	Merry	Ritter
Bowley	Harper	Michlovic	Robinson
Brandt	Hayden	Miller	Rudy
Broujos	Heckler	Moehlmann	Saurman
Carn	Hughes	Nahill	Scheetz
Chadwick	Itkin	O'Donnell	Smith, B.
Cornell	Jackson	Oliver	Stairs
Cowell	James	Piccola	Thomas
DeWeese	Josephs	Pievsky	Trich

Davies	Kukovich	Pistella	Wambach
Dorr	Lashingier	Pressmann	Williams
Farmer	Linton	Preston	Wilson
Fox	McHale	Reber	Wright, R. C.

NAYS—138

Adolph	Dietterick	Kosinski	Ryan
Allen	Dininni	LaGrotta	Rybak
Angstadt	Distler	Langtry	Saloom
Argall	Dombrowski	Laughlin	Schuler
Barley	Donatucci	Lee	Scrimenti
Battisto	Durham	Leh	Semmel
Belardi	Fairchild	Lescovitz	Serafini
Billow	Fargo	Letterman	Smith, S. H.
Birmelin	Fee	Levdanský	Snyder, D. W.
Black	Fleagle	Lloyd	Snyder, G.
Blaum	Flick	Lucyk	Staback
Boyes	Foster	McCall	Steighner
Bunt	Freind	McNally	Stish
Burd	Gallen	McVerry	Strittmatter
Burns	Gamble	Markosek	Stuban
Bush	Gannon	Marsico	Tangretti
Caltagirone	Geist	Mayernik	Taylor, E. Z.
Cappabianca	George	Melio	Taylor, F.
Carlson	Gigliotti	Micozzie	Taylor, J.
Cawley	Godshall	Morris	Telek
Cessar	Gruitza	Mowery	Tigue
Civera	Gruppo	Mrkonic	Trello
Clark, B. D.	Haluska	Murphy	Van Horne
Clark, D. F.	Hasay	Nailor	Veon
Clark, J. H.	Hayes	Noye	Vroon
Clymer	Herman	O'Brien	Wass
Cohen	Hess	Olasz	Weston
Colafella	Howlett	Perzel	Wogan
Colaizzo	Jadlowiec	Pesci	Wozniak
Cole	Jarolin	Petrarca	Wright, D. R.
Corrigan	Johnson	Petrone	Wright, J. L.
Coy	Kaiser	Phillips	Yandrisevits
DeLuca	Kasunic	Pitts	
Daley	Kenney	Rieger	Manderino,
Dempsey	Kondrich	Robbins	Speaker

NOT VOTING—3

Evans	Raymond	Roebuck
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EXCUSED—2

Belfanti	Hershey
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The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Ms. RITTER offered the following amendment No. A3443:

Amend Sec. 4 (Sec. 3210), page 6, lines 34 through 48 (A3332), by striking out all of said lines and inserting

(a) Requirement.—Except in the case of a medical emergency, which prevents compliance with this section, no abortion after 20 or more weeks of gestational age shall be performed or induced unless the referring physician or the physician performing or inducing it has first made a determination of the viability of the unborn child. In making such a determination, the physician shall make such inquiries of the patient and perform or cause to be performed such medical examinations and tests which are useful to making subsidiary findings as to viability. The physician who performs these examinations and tests shall make a confidential report in his medical record of the type of inquiries made and the type of examinations and tests utilized to determine the viability of the unborn child.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of adopting the amendment, the Chair recognizes its author, Representative Ritter from Lehigh County.

Ms. RITTER. Thank you, Mr. Speaker.

What we have done with this amendment is we have taken the section called "Determination of gestational age" and we have replaced it with the portion of the Missouri statute which was upheld in the Webster decision. The Webster court in the plurality opinion, and including the language in the concurring opinion of Sandra Day O'Connor, is contained in this amendment, and it provides that after 20 weeks, the gestational age shall be determined by the physician. In making that determination, the physician shall make inquiries and shall perform the medical examinations which are useful to making subsidiary findings as to viability. So they will determine gestational age and the probability of viability at that point.

This is language that was upheld by the Supreme Court in the Webster decision and includes language that Sandra Day O'Connor thought should be included in the statute. It also provides that the physician's responsibility now until 20 weeks is simply to make a determination in his best judgment of approximate gestational age but does not put the requirements on that were contained in the original bill until after 20 weeks.

Again, we are talking about an ultrasound test and other types of very expensive tests that are used to determine gestational age and viability, and it is not clear in the original bill whether or not these tests would be required in all events. So what this simply does is says that after 20 weeks the physician is required probably to make these tests and to do this determination, but up until that point, it is, again, up to his professional judgment to give an approximate idea of gestational age.

The State, according to the Supreme Court, has no interest in determining gestational age unless it is for the purpose of determining viability, where the State does have an interest. So that is the reason for this amendment, and I would ask for your support.

The SPEAKER. The question is on the amendment, and on that question, from Delaware County, Representative Freind is recognized.

Mr. FREIND. I rise to oppose the amendment. What it does is gut our entire section with respect to the determination of gestational age, which I explained in detail before. What we are requiring is a doctor, before he performs an abortion, to take the reasonable steps, depending on the stage of pregnancy, that a reasonable doctor would take to determine the gestational age. The reason why we are doing that is to close the loophole which permitted Dr. Melnick to say, I thought it was 18 weeks instead of 32 weeks. This would gut this completely.

We are not requiring ultrasounds. We are saying, reasonable steps by reasonable physicians merely to determine gesta-

tional age. The law already is that you have to report on gestational age anyway when you perform an abortion. This is merely common sense, what we already have in the law.

I would ask for the defeat of the Ritter amendment. Thank you.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—58

Acosta	Hagarty	Michlovic	Ritter
Bishop	Harper	Miller	Robinson
Bortner	Hayden	Moehlmann	Roebuck
Bowley	Heckler	Nahill	Rudy
Brandt	Hughes	O'Donnell	Saurman
Broujos	Itkin	Petrone	Scheetz
Carn	Jackson	Piccola	Smith, B.
Cornell	James	Pievsky	Thomas
Cowell	Josephs	Pistella	Van Horne
DeWeese	Kukovich	Pressmann	Wambach
Davies	Lashinger	Preston	Williams
Dorr	Lee	Reber	Wilson
Evans	Linton	Reinard	Wright, D. R.
Freeman	Maine	Richardson	Wright, R. C.
Gladeck	Merry		

NAYS—142

Adolph	Dietterick	Kondrich	Robbins
Allen	Dininni	Kosinski	Ryan
Angstadt	Distler	LaGrotta	Rybak
Argall	Dombrowski	Langtry	Saloom
Barley	Donatucci	Laughlin	Schuler
Battisto	Durham	Leh	Scrimenti
Belardi	Fairchild	Lescovitz	Semmel
Billow	Fargo	Letterman	Serafini
Birmelin	Farmer	Levdansky	Smith, S. H.
Black	Fee	Lloyd	Snyder, D. W.
Blaum	Fleagle	Lucyk	Snyder, G.
Boyes	Flick	McCall	Staback
Bunt	Foster	McHale	Stairs
Burd	Fox	McNally	Steighner
Burns	Freind	McVerry	Stish
Bush	Gallen	Maiale	Strittmatter
Caltagirone	Gamble	Markosek	Stuban
Cappabianca	Gannon	Marsico	Tangretti
Carlson	Geist	Mayernik	Taylor, E. Z.
Cawley	George	Melio	Taylor, F.
Cessar	Gigliotti	Micozzie	Taylor, J.
Chadwick	Godshall	Morris	Telek
Civera	Gruitza	Mowery	Tigue
Clark, B. D.	Gruppo	Murphy	Trello
Clark, D. F.	Haluska	Nailor	Trich
Clark, J. H.	Hasay	Noye	Veon
Clymer	Hayes	O'Brien	Vroon
Cohen	Herman	Olasz	Wass
Colafella	Hess	Oliver	Weston
Colaizzo	Howlett	Perzel	Wogan
Cole	Jadlowiec	Pesci	Wozniak
Corrigan	Jarolin	Petrarca	Wright, J. L.
Coy	Johnson	Phillips	Yandrisevits
DeLuca	Kaiser	Pitts	
Daley	Kasunic	Raymond	Manderino,
Dempsey	Kenney	Rieger	Speaker

NOT VOTING—1

Mrkonic

EXCUSED—2

Belfanti Hershey

The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Ms. JOSEPHS offered the following amendments No. A3367:

Amend Sec. 3, page 4, line 55 (A3332), by striking out "a section" and inserting sections

Amend Sec. 3, page 4, by inserting between lines 55 and 56 (A3332)

§ 3208.1. Commonwealth interference prohibited.

The Commonwealth shall not interfere with the use of medically appropriate methods of contraception or the manner in which medically appropriate methods of contraception are provided.

On the question,
Will the House agree to the amendments?

The SPEAKER. From Philadelphia, Representative Josephs is recognized.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I really do ask people for their attention on this amendment. It is a little bit different than some of the ones that have been before us, because it talks about contraception and contraceptive devices. It is an affirmation on your part if you vote for it that you do not intend to take out of the hands of Pennsylvania women generally medically acceptable contraceptive devices and methods, and I do it for several reasons.

I would go immediately to the first one which concerns some remarks that were made by Mr. Freind when we were on television together in which he said, "If Roe v. Wade is overturned and we can outlaw abortion, we will leave it up to the Pennsylvania Drug, Device and Cosmetic Board—they are the experts—to decide which pills and devices are abortifacients, and we will outlaw them."

Let me tell you, Mr. Speaker, that as I understand it, the contraceptive pill can be used as an abortifacient. If you vote against my amendment, you have got to take it out of the hands of your constituents. This is how it is used, and the physician will tell his patient or her patient, if you miss taking the pill Monday and Tuesday, you might be in a very, very early stage after conception. Take two pills on Wednesday and two pills on Thursday, and there is a very good chance that you will not get pregnant. I want everybody here to understand that.

Thank you, Mr. Speaker.

The SPEAKER. The question is on the amendment offered by Representative Josephs. The Chair recognizes Representative Freind from Delaware County.

Mr. FREIND. Thanks, Mr. Speaker.

I really do not know what the amendment means. We do not define "contraception." But let me make it clear, the Abortion Act has nothing to do with contraception. We make that clear in the definition. So despite the fact that it is poorly drafted, it certainly is not, in my opinion, going to do any harm. I am certainly not going to oppose this amendment.

We are good for our word, Mr. Speaker. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—188

Acosta	Dorr	Lescovitz	Robbins
Adolph	Durham	Letterman	Robinson
Allen	Evans	Levdansky	Roebuck
Angstadt	Fairchild	Linton	Rudy
Argall	Fargo	Lloyd	Ryan
Barley	Farmer	Lucyk	Rybak
Battisto	Fleagle	McCall	Saloom
Birmelin	Flick	McHale	Saurman
Bishop	Foster	McNally	Scheetz
Black	Fox	McVerry	Schuler
Blaum	Freeman	Maiale	Scrimenti
Bortner	Freind	Maine	Semmel
Bowley	Gallen	Markosek	Serafini
Boyes	Gannon	Marsico	Smith, B.
Brandt	Geist	Mayernik	Smith, S. H.
Broujos	George	Melio	Snyder, D. W.
Bunt	Gladeck	Merry	Snyder, G.
Burd	Godshall	Michlovic	Staback
Burns	Gruitza	Micozzie	Stairs
Bush	Gruppo	Miller	Steighner
Caltagirone	Hagarty	Moehlmann	Stish
Cappabianca	Harper	Morris	Strittmatter
Carlson	Hasay	Mowery	Stuban
Carn	Hayden	Mrkonic	Tangretti
Cessar	Hayes	Murphy	Taylor, E. Z.
Chadwick	Heckler	Nahill	Taylor, F.
Civera	Herman	Nailor	Taylor, J.
Clark, B. D.	Hess	Noye	Telek
Clark, D. F.	Howlett	O'Brien	Thomas
Clark, J. H.	Hughes	O'Donnell	Trich
Clymer	Itkin	Oliver	Van Horne
Cohen	Jackson	Perzel	Veon
Colafigliola	Jadlowiec	Pesci	Vroon
Cole	James	Petrone	Wambach
Cornell	Jarolin	Phillips	Wass
Corrigan	Johnson	Piccola	Weston
Cowell	Josephs	Pievsky	Williams
Coy	Kaiser	Pistella	Wilson
DeLuca	Kasunic	Pitts	Wogan
DeWeese	Kondrich	Pressmann	Wozniak
Daley	Kosinski	Preston	Wright, D. R.
Davies	Kukovich	Raymond	Wright, J. L.
Dempsey	LaGrotta	Reber	Wright, R. C.
Dietterick	Langtry	Reinard	Yandrisevits
Dininni	Lashinger	Richardson	
Distler	Laughlin	Rieger	Manderino,
Dombrowski	Lee	Ritter	Speaker
Donatucci	Leh		

NAYS—10

Belardi	Colaizzo	Haluska	Petrarca
Billow	Fee	Olasz	Tigue
Cawley	Gigliotti		

NOT VOTING—3

Gamble	Kenney	Trello
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EXCUSED—2

Belfanti	Hershey
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The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. MURPHY offered the following amendments No. A3432:

Amend Sec. 3, page 4, lines 55 through 59; page 5, lines 1 through 47 (A3332), by striking out all of said lines on said pages
 Amend Sec. 4, page 5, line 48 (A3332), by striking out "4" and inserting

3

Amend Sec. 5, page 11, line 38 (A3332), by striking out "5" and inserting

4

Amend Sec. 6, page 11, line 43 (A3332), by striking out "6" and inserting

5

Amend Sec. 7, page 11, line 46 (A3332), by striking out "7" and inserting

6

Amend Sec. 8, page 11, line 52 (A3332), by striking out "8" and inserting

7

Amend Sec. 8, page 11, line 53 (A3332), by striking out "sections 3209(e) and" and inserting

section

Amend Sec. 9, page 12, line 1 (A3332), by striking out "9" and inserting

8

Amend Sec. 10, page 12, line 9 (A3332), by striking out "10" and inserting

9

Amend Sec. 10, page 12, line 10 (A3332), by striking out "sections 3209(e) and" and inserting

section

On the question,

Will the House agree to the amendments?

The SPEAKER. On the question of adopting this amendment, the Chair recognizes its author, from Allegheny County, Representative Murphy.

Mr. MURPHY. Thank you, Mr. Speaker.

This amendment strikes the spousal notification section of the bill, section 3209.

Mr. Speaker, while I would like to think in each marriage that a husband and wife would look with joy to a pregnancy, I think we can all think of many circumstances where a woman might not feel either safe or comfortable notifying her husband of that pregnancy, during separation, and in those cases I think it is inappropriate for the Commonwealth to try to put in place a few exceptions and then to require that woman to sign a statement that she has notified her husband.

I believe that there is responsible public policy that we can enact to regulate abortion. I do not believe that the spousal notification section of this law in any way is either reasonable or necessary. I think it goes beyond what is good government regulation to suggest that we can enact and regulate the communication between a husband and wife.

This is government gone amok, and I would urge your support of my amendment to strike this section. Thank you, Mr. Speaker.

The SPEAKER. From Delaware County, the Chair recognizes Representative Freind.

Mr. FREIND. Mr. Speaker, so everybody knows what this amendment does, it completely takes out the spousal notification section. Obviously I oppose it.

A husband at least has the right to be notified that he and his wife have created an unborn baby, their child, and that unborn baby is going to be killed. We put four reasonable exceptions in there, and that is where the husband is not the father of the baby, where the husband cannot be located after due diligence, where the pregnancy is the result of spousal rape, and where giving out this information would place the woman in danger of physical harm.

But let me tell you something: Married or not, our law is very clear that the father of that unborn baby not only has the right but an obligation for the financial support of that baby, and that is as it well should be, even if he has offered to pay for an abortion. Well, you cannot have it both ways, Mr. Speaker. At least the husband within the marital context has the right to be notified that his child and his wife's child, unborn child, exists and is going to be killed.

This is one of the best sections of the bill. This amendment would take it out. I hope that we overwhelmingly defeat this amendment. Thank you, Mr. Speaker.

The SPEAKER. From Dauphin County, Representative Piccola is recognized on the amendment.

Mr. PICCOLA. Thank you, Mr. Speaker.

I would urge that the House support the Murphy amendment. This provision of the bill is a very, very bad precedent, in my opinion.

The General Assembly over the years, since this Commonwealth was founded, has, as a matter of public policy, encouraged and protected the institution of marriage, but very rarely, in very rare instances, have we governed the operation and the conduct of parties within a marriage. We have set forth the threshold requirements for individuals to enter into a marriage, and we make sure that they meet those thresholds. They are health requirements, and thereafter, we give them a license to get married and to enter into the marriage relationship.

At the other end of the spectrum, Mr. Speaker, we set forth the rights of the individual parties, the husband and the wife, when a marriage is ending or when it is in trouble. Custody, alimony, divorce rights, child support, division of property—these are a few of the areas where we have governed the conduct and the rights of parties. But nowhere in the law, Mr. Speaker—and this will be the first time, and I do not believe we should do it now—do we tell a husband and a wife what they must say to each other during a marriage; in fact, just the opposite. We have endorsed, with respect to property rights, the common-law principle that a husband and wife own property in the entirety; that is, they are an inseparable institution. We have also made spouses incompetent to testify against each other in civil and in most criminal matters, the exception being when there is spousal abuse involved, and these communications are privileged.

Quite frankly, Mr. Speaker—and I am speaking as a conservative who believes that government simply sticks its nose

into too many places where it does not belong—this provision of this amendment of Mr. Freind's is wrong.

May I use my additional 2 minutes, Mr. Speaker?

If you are going to ask me whether I think a husband and a wife should communicate in a marriage, I say yes. If you ask me whether a wife and a husband should communicate about the use of birth control or contraception, I would say yes. If you ask me whether a wife should tell a husband that she is pregnant, I say yes. And if you ask me whether a wife should tell her husband that she is thinking about or is going to obtain an abortion, I again would say yes. But if you ask me if the State of Pennsylvania, this General Assembly, should mandate under punishment of law that a wife has to do or say any of these things, then I say no. We are setting up a statutory mandate of communication within a marriage. We are taking the first step which will lead to the dissolution of that marriage.

It has been my experience, and I am sure it has been the experience of everyone else in this chamber who is married, that marriage is based on love, trust, communication, and a whole host of other feelings and emotions which simply cannot and should not be regulated by government. This is Big Government at its worst, Big Brother at its worst, and I urge that we adopt the Murphy amendment.

The SPEAKER. From Philadelphia, the Chair recognizes Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker, for the compliment, the promotion.

May I have order, sir?

The SPEAKER. Will the House please be in order.

Ms. JOSEPHS. Mr. Speaker, I really think you need to pay attention to this debate. What Mr. Piccola has said so ably is that— Mr. Speaker, I am afraid when I call you to ask for order, I am using up my 2 minutes, and I do not know really what to do in this situation.

The SPEAKER. I will let you speak 2 minutes, on the question.

Ms. JOSEPHS. But I would like to speak in such a way that people who want to listen can hear. There are two sides in speaking.

The SPEAKER. You are now using up your 2 minutes.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I hope that everybody who votes against the Murphy amendment understands that you are voting against mature, married women who are paying for their procedure themselves, and I would like to see you explain that to the mature, married women who are paying for the procedure themselves who are your constituents.

I thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes, on the question, from Allegheny County, Representative Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

Will Mr. Freind answer a short question for me, please?

The SPEAKER. Will he answer it short or will the question be short?

Mr. PRESTON. Yes; I understand the question.

The SPEAKER. The gentleman, Mr. Freind, will you consent to interrogation? The gentleman indicates that he will.

Mr. PRESTON. Mr. Speaker, in your amendment—well, currently the bill—am I right that this only deals with married people? It does not deal with a single woman having to notify the father or not?

Mr. FREIND. It is only spousal notice.

Mr. PRESTON. Okay. Thank you.

Mr. Speaker, may I speak on the amendment?

The SPEAKER. The gentleman is in order.

Mr. PRESTON. I think that this is the epitome of elitism. What we are denoting here is that any married woman has totally become a third-class citizen. What we are saying to anyone who is married, this is setting a precedent, a very frightening precedent, that could cause us to possibly be the laughingstock across this country. I think that this is an insult not only to my wife but to your wives, because it only deals with married people, too, and if Mr. Freind really cared, he would be simply stating that every husband ought to notify his wife if his girlfriend is pregnant or any other point. It is a second-class statement, and it is not fair and it is not appropriate.

I am not going to be laughed at, and I really think we ought to support the Murphy amendment. This is really, truly an embarrassment, and it really brings us back to the 1600's whereby women did not even have the right to vote. Now they do not even have a right to speak unless their man tells them so.

Let us support the Murphy amendment.

The SPEAKER. On the amendment, from Philadelphia, Representative Richardson is recognized.

Mr. RICHARDSON. Thank you very much, Mr. Speaker.

Mr. Speaker, I would like to interrogate Mr. Freind.

The SPEAKER. You are in order, and he has consented. You may proceed.

Mr. RICHARDSON. Thank you very much, Mr. Speaker.

Mr. Speaker, I would like to know whether or not you have ever been impregnated.

Mr. FREIND. Have I ever been pregnant?

Mr. RICHARDSON. Have you ever been impregnated?

Mr. FREIND. Not to my knowledge, Mr. Speaker.

Mr. RICHARDSON. Do you know anything about a person who has been impregnated?

Mr. FREIND. Run that one by me again. I am sorry, Mr. Speaker. I did not hear you.

Mr. RICHARDSON. Do you know anything about a person who has been impregnated?

Mr. FREIND. Yes. I have a wife who has blessed herself and me with six children.

Mr. RICHARDSON. And each time that she conceived a child, did you sign any papers to allow her to have the baby?

Mr. FREIND. No, Mr. Speaker.

Mr. RICHARDSON. Mr. Speaker, I would like to be in order to speak on the bill.

The SPEAKER. The gentleman is in order.

Mr. RICHARDSON. Mr. Speaker, I rise to support the Murphy amendment. I do so, and I would like to say that I think that not only are we barking up the wrong tree, but I think that anybody who places himself in a position here this afternoon of thinking that they can just run roughshod over their wives by saying that the wife has to now get consent from the husband is crazy.

I think that it is very clear to me that we are now embarking on one of the most dangerous areas that I have ever seen witnessed on the floor of this House. I do not know where Freind gets the attitude that he feels as though he can superimpose his will on everybody else on the floor of this House and then all of a sudden act like he is the epitome of the epitome. I think that people are very clear about the fact that women in this country should have a right to choose over their own bodies and that when it comes to making a decision about having a baby, a husband does not have any right to superimpose his will by signing any paper or agreeing if in fact that woman makes that decision. Today I think it is no different.

I think that what we have done is we have stretched ourselves beyond the call of duty. We are being male chauvinist pigs in a situation where we have no right to superimpose our will as a husband or male on another individual. If your wife—I would like to know whether or not I can use my other 2 minutes, Mr. Speaker. Thank you very much.

If a wife is in a situation where she has been separated from her husband for X number of years, and she does not even see her husband and yet is pregnant, how do you contact him to in fact get his consent? If Mr. Freind, who is a former FBI (Federal Bureau of Investigation) agent, in fact recognizes that there were times when they had to go arrest people and they tried to find a particular spouse and the wife did not know where he was, they did not lock up the wife. So the same parable exists with respect to a person who is in fact pregnant. We cannot superimpose that will on other individuals in this Commonwealth, and I ask for an affirmative vote on the Murphy amendment.

The SPEAKER. The question is on the amendment, and on that question, the Chair recognizes, from York County, Representative Foster, but before the gentleman begins his debate, the Chair would like to ask Representative Wambach to preside temporarily for the Speaker.

THE SPEAKER PRO TEMPORE (PETER C. WAMBACH) IN THE CHAIR

The SPEAKER pro tempore. The Chair recognizes the gentleman from York, Representative Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

I am frankly baffled that anyone would oppose this section of the bill and seek to remove it. We are talking about notification—not consent, but notification—of a spouse - not a live-in, not a paramour, not a one-night stand, a spouse. Is that not the least you can do for a lawful spouse, to require notification that that spouse's child is about to die?

Let us consider just a moment a roughhewn old husband who has said repeatedly to his wife, I do not want any children, we do not want to be bothered with children, and the wife suddenly finds herself pregnant and she takes her husband at his word and thinks, oh, my, all these years he said he did not want children; well, I guess I better go get an abortion and never tell him. How many times that husband would worship that little child when it is born.

Mr. Speaker, we must defeat this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Wayne, Representative Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

The net effect of what I am hearing people say who support the Murphy amendment is that the husbands in Pennsylvania ought to be reduced to stud service. We do not want to have anything to do with the carrying of a child. We just want to get the women pregnant, and they can do whatever they want from that point on. Well, that is not what marriage is all about. That is not what responsibility is all about. That is not what child rearing is all about.

I think that that child that is in that wife's womb is a product of those two people, and he has a right to know what is going on as much as he has a responsibility to support it. To say that he has no right and no concern is ludicrous, and I think you are emasculating the men of Pennsylvania when you do so. The Murphy amendment ought to be defeated soundly.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes, on the amendment, the gentleman from Allegheny County, Representative Cowell.

Mr. COWELL. Mr. Speaker, would Mr. Freind consent to interrogation, please?

The SPEAKER pro tempore. The gentleman indicates he shall. The gentleman may continue.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I would like to refer back to the language in your amendment that was previously adopted, that language that the Murphy amendment would strike, and I am looking at page 5 of your amendment.

There are two places where your language makes reference to a signed statement - a woman has to sign one statement or the other - and the language says that the statement shall bear a notice that any false statement made therein is punishable by law. Under what law would that be punishable, and what would the punishment be?

Mr. FREIND. As I indicated in a detailed memo which I sent, there are two existing laws which are basically identical - one in the existing Abortion Control Act and one in the Crimes Code from 1973: "Statements 'under penalty'."—and this has been in the Crimes Code for the last 16 years and it is in the Abortion Control Act—"A person commits a misdemeanor of the third degree if such person makes a written false statement which such person does not believe to be true

on a statement submitted as required under this chapter,"—meaning the Abortion Control Act—"bearing notice to the effect that false statements made therein are punishable." That is both in the Abortion Control Act of 1988 and it is in the Crimes Code, unrelated to the abortion issue, since 1973. What it says is, if you provide an unsworn statement which you know to be false which has on it a warning that a false statement is punishable by law, it is a third-degree misdemeanor.

Mr. COWELL. And what is the punishment for that?

Mr. FREIND. A third-degree misdemeanor is punishable by no mandatory minimum sentencing, a maximum from zero to 1 year imprisonment and from zero to \$2,500 fine.

Mr. COWELL. Okay. Thank you, Mr. Speaker.

Mr. Speaker, I would like to be recognized for a moment to speak.

The SPEAKER pro tempore. Is the gentleman asking for his additional 2 minutes?

Mr. COWELL. Yes.

The SPEAKER pro tempore. The gentleman is recognized and is in order.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I would simply urge that we approve the Murphy amendment. This is one of the sections of this legislation that is quite questionable in terms of its constitutionality. There are a lot of people who are of the opinion that this kind of language is indeed unconstitutional.

The real issue, though, is, what does it do to women? What we would really do if we enact this kind of language is cause many women to simply lie. I do not believe the language is enforceable at all, even given the words that will appear on this statement that it is punishable by law. That really is not going to be understood by a woman. She is really going to have no real notice about what the devil that even means. If a person is really pushed—and I think we are talking about reality—if a person is really pushed or presented with a statement that they have to sign, they are going to sign practically anything that is put in front of them.

I think it is a mistake to add this kind of language. I do not think it is enforceable. I think others very eloquently have made the point. It is very demeaning to women, though.

I would urge that again we adopt the reasonable amendment that has been put forward, that we approve the Murphy amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Allegheny, Representative Gamble.

Mr. GAMBLE. Mr. Speaker, I rise to oppose the Murphy amendment.

If indeed you are prochoice today, you should support the Murphy amendment, because that is what it is all about. However, if you are prolife, you should oppose this amendment, because prolife recognizes that there is a marriage and that there is a father and a mother of that unborn child that is about to be killed. To ask that the father be notified that the unborn child is going to be killed is very little to ask.

I ask that we vote "no" on the Murphy amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the lady from Philadelphia, Representative Harper.

Mrs. HARPER. Thank you, Mr. Speaker.

I rise to support the Murphy amendment.

This amendment is just as silly as the amendment that Representative Freind presented on a woman cannot get pregnant being raped, and this amendment sets a double standard for women, for single women and married women.

Representative Freind is living in the Dark Ages. Women are working today. We can use our own minds, our own money, and we do not have to ask our husbands about having an abortion. Single women out there certainly do not have to ask their boyfriends about having an abortion. And he does not mention the women out there. Unfortunately, a lot of women are on dope today, and they do not even know the father, which is pathetic but it is happening.

We are living in a new age, not in the Dark Ages, Mr. Speaker. Women can do with their bodies and their lives as they please. Men can no longer shut us back in the house and tell us what to do. We are our own women today.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the gentleman from Philadelphia, Representative Linton.

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, I was wondering if Representative Freind would stand for a brief period of interrogation, please.

The SPEAKER pro tempore. Representative Freind indicates that he shall be interrogated. The gentleman may proceed.

Mr. LINTON. Thank you very much.

Mr. Speaker, could you explain to me what is meant by "diligent effort"? What constitutes a "diligent effort" on the part of the spouse in trying to locate her husband?

Mr. FREIND. I think the words speak for themselves. I think she has to ascertain in the statement that she made a diligent effort to contact her spouse and was unable to do so. I will tell you what it would not include. It would not include, to answer your question, the scenario under Mr. Richardson's case where the spouses have not seen each other in 3 years, because if they have not, obviously, the father of the unborn child is not the husband, unless I have missed something.

Mr. LINTON. Does "diligent" constitute trying to find the spouse for 1 day, 2 days, 3 days, 4 days? What constitutes "diligent"?

Mr. FREIND. All that is required in fact is that the woman state she made a diligent effort. Now, obviously, if they live together as husband and wife and are not living apart, there is no way they could say that is a diligent effort, because in fact they are living together. But there can never be legislation drafted that takes in every consideration. That is why, in fact, we have left it up to the discretion of courts in situations as to what is diligent, what is reasonable. I mean, the bill is replete with language on reasonable behavior. We do not think that

that is an unenforceable phrase, and we think under this situation it is in fact a reasonable one.

Mr. LINTON. Mr. Speaker, I would also like to ask a question in regards to "infliction of bodily injury." You made reference to a woman indicating that by providing information to the spouse, notice to her spouse is likely to result in the infliction of bodily injury upon her by her spouse or another individual. I would like to know what—

The SPEAKER pro tempore. Mr. Linton, do you care to use your additional 2 minutes at this time?

Mr. LINTON. Yes, I would, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. LINTON. I would like to know, under what circumstances would she have to indicate or what proof would she have to provide to indicate that she feels that she would be threatened with bodily injury if she provided this information?

Mr. FREIND. She has to state it on the unsworn statement. Now, what you are doing is arguing against exceptions that we have made and are not even required by the Fifth Circuit where we have bent over backwards. Now, if in fact there is a husband who disputes that, that would then be a factual situation as to whether or not there were any facts present which would lead a woman reasonably to believe that she would be placed in danger of serious physical harm by the spouse or another, and again, we bent over backwards. Maybe it is not the spouse; maybe it is the father-in-law; maybe it is a brother-in-law; maybe it is someone like that. So again, these are exceptions that we made which go far beyond what are necessary.

Mr. LINTON. Mr. Speaker, if I may make a statement, please?

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. LINTON. Mr. Speaker, it appears to me that we are going tremendously into individual family rights and decisions, and I do not know how farfetched this House is going to continue to intervene in the rights of an individual family. Once again, we are making decisions that should be made by that husband and by that wife in consultation. We should not impose some sort of form requiring a woman to in fact sign a statement indicating what she has or has not done based upon her interpretation of what is diligent or what is personally perceived as a threat of bodily injury to her. We should not impose that upon the family. This House is going farfetched in doing that.

I would like us to support the Murphy amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes now the lady from Philadelphia, Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I rise again in support of the Murphy amendment, and I am interested to note here how difficult it is for any of us to get the attention of the members of the House. It reminds me, in

contrast, about how careful we were when we worked on the ethics bill, which would affect our lives, and how we listened and how we dealt with every little point for hours. There was no 2-minute rule. Everybody here who is tossing this off as an unimportant issue, I hope you can explain to the public your disrespect for the lives and health and thoughts of the women of this State.

Secondly, I was very interested to hear the gentleman from Wayne complain about men being used for stud service. Very few people here seem to mind that women are being used as brood mares.

I ask for support of the Murphy amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the gentleman from Philadelphia, Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the speaker?

The SPEAKER pro tempore. Do you care to interrogate Representative Freind?

Mr. THOMAS. Yes.

The SPEAKER pro tempore. The gentleman indicates he shall be interrogated. The gentleman may proceed.

Mr. THOMAS. Mr. Speaker, why did you use the language "shall" as opposed to "will" or "may"?

Mr. FREIND. "Shall" was mandatory as opposed to "may." It is a standard. We are doing what we did-- Last term, if you remember, we passed paternal notice overwhelmingly. The reason why we are not doing it this time is spousal notice has already been ruled as constitutional by a circuit court of appeals. This is nothing new.

Mr. THOMAS. Mr. Speaker, I would now like to offer my comments.

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. THOMAS. I have sat in the House and have not had any comment with respect to many of the amendments that have come before the House. I voted in a manner that I considered to be correct, and I restrained from offering any comments, but in the face of this amendment, I am compelled to urge every member of this House to reject the Freind amendment out of hand and to support the Murphy amendment.

I ask for your collective and individual support for the Murphy amendment for two reasons: Number one, if it is in fact true that we are not attempting to impose our will on women, then we have no business using the language "shall," because if you apply the basic rules of statutory construction, when you use "shall," "shall" is requiring affirmative conduct. So even though we are calling this notice, it is not notice in effect. It is a--

The SPEAKER pro tempore. Does the gentleman require his additional 2 minutes?

Mr. THOMAS. Yes.

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. THOMAS. We are doing more than requiring notice. We are reaching out for consent, and we are in effect imposing our will on women. I think that there is a general consensus in this body that women should have a right to choose as to what they do or do not do with their bodies. I think that although Mr. Freind had good intentions in drafting this particular section of his bill, I think that if we go forward with this, then we need to be prepared to go back to our districts and say to the women of our districts that we have in our own arena decided what is best for you.

Mr. Speaker, I think that in good faith we have no other choice but to vote for the Murphy amendment. An affirmative vote for the Murphy amendment is a negative vote against this body attempting to impose its will on the thousands of women in the Commonwealth of Pennsylvania. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny County, Representative Trello.

Mr. TRELLO. Mr. Speaker, I think everybody will agree that when a woman is carrying a child, it is probably the greatest moment of her life, and she has very strong feelings for that, and I might add, a woman is never more beautiful than when she is carrying a child. But fathers have feelings, too, and they are concerned about that blessed event also, and I think they should have the right to know if that wonderful miracle of God is going to be aborted or not, and I rise and urge everybody to oppose the Murphy amendment for that reason. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Northampton, Representative Gruppo.

Mr. GRUPPO. Thank you, Mr. Speaker.

I rise to oppose the Murphy amendment.

My wife and I have been blessed with four children, and she frequently reminds me, particularly when it comes time to discipline them, that they are my children, and I presume they were my children before they were born, and I have a right as a father, and I believe every father has a right. We are talking about women's rights today. What about men's rights? Men - the fathers, the husbands - have a right to know if their wives plan to have an abortion of that fetus, unborn child, whatever you call it.

I believe we should defeat this amendment because it is wrong and it is against life, and I oppose it. I hope you do, too. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Representative Snyder.

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

May I please interrogate the maker of the original amendment?

The SPEAKER pro tempore. The Chair indicates that Representative Freind will stand for interrogation. The gentleman is in order and may proceed.

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, the statute only requires notification. What form of notification is required?

Mr. FREIND. It requires a statement to be given to the doctor, signed by the woman, that she in fact has notified her husband. We do not get into being overrestrictive, saying it has got to be a signed statement; it has got to be by telephone; it has got to be in person. That notification is up to the woman, as long as she gives notice to her husband that she is pregnant with their child.

Mr. D. W. SNYDER. Mr. Speaker, does the language of the Abortion Control Act which states that it is the Commonwealth's interest to promote the integrity of the marital relationship and to protect a spouse's interests in having children within marriage give the husband standing to oppose the abortion in a court of law?

Mr. FREIND. Absolutely not. It is very important to remember, Mr. Speaker, we are talking about spousal notice and not spousal consent.

Mr. D. W. SNYDER. Mr. Speaker, does it give any standing for the husband to take any action against the physician who may have performed the abortion?

Mr. FREIND. Well, let me put it this way: If the physician performs the abortion without receiving the statement from the woman, then it is a violation of the law. The husband can proceed civilly against the doctor who performed the abortion on his wife without receiving the required notice, and also, it is a criminal violation.

Mr. D. W. SNYDER. Where does it give the right for the husband to take civil action against the physician?

Mr. FREIND. In our amendment that we passed, page 5, lines 34 through 47.

Mr. D. W. SNYDER. So you are saying that that is part of the action that the husband can take?

Mr. FREIND. That is correct.

Mr. D. W. SNYDER. I would like my second 2 minutes.

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. D. W. SNYDER. Mr. Speaker, can the husband take any action at all against the wife?

Mr. FREIND. No.

Mr. D. W. SNYDER. Mr. Speaker, what is the purpose of the notification if there is no standing for the husband to actually protect the right that we are supposedly giving him?

Mr. FREIND. Good question. Two purposes: Number one, as the Fifth Circuit indicated, one of the things that a prospective husband and wife will discuss before marriage is whether or not they wish to have children, and if one does and one does not, that may be a reason not to enter into the marital context. Similarly, if in fact within marriage it is discovered that one does and one does not want to have children, that might be a reason for a spouse to make a determination as to whether or not to continue that marital relationship, since either his or her right to have children, if the other does not agree, does not exist.

The other reason, as indicated, I believe, by Mr. Foster but it might have been Mr. Birmelin, is to generate a dialogue, and it is a pity you have to come down to this. Very frequently, particularly a young woman becomes pregnant; she is married; my husband does not want it; he is going to be furious; she has the abortion, only to find out sadly later that forget finances and all that, the father says, that was my baby. Because you see, there is one thing, Mr. Speaker, we have to remember more than anything else: Abortion is forever.

That is the two reasons, Mr. Speaker, as well as to state a public policy, which I do not think outrageous, that a husband at least has the right to know that he is the father of an unborn baby who is going to be killed.

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, I just am opposed to this. I am in favor of the Murphy amendment. I think that this is one of the most worrisome aspects of the Abortion Control Act, and I feel that the constitutionality of it can be very easily challenged, based on the ambiguity of many of the questions I have stated. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Representative Hughes.

Mr. HUGHES. Mr. Speaker, should I run over my first 2 minutes, I would like to be extended into my second 2 minutes, please.

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. HUGHES. Thank you.

Mr. Speaker, I rise in support of the Murphy amendment, and I rise so for one primary reason. On November 19, 1988, at a small church in west Philadelphia, I took my wedding vows and made a commitment to my wife. Prior to that time my wife and I established the parameters of our relationship. At that moment those parameters were affirmed by our Creator, and after that moment my wife and I continued to establish our parameters for our marriage. It is my belief that every one of the other members of this House of Representatives has established for them and their spouse their own parameters for their own relationship.

I warn everyone that if we do not pass the Murphy amendment, we will be in the process of falling down that slippery slope of interference by other individuals in our own relationships with our own spouses. That relationship with my wife is mine and mine alone. It is the parameters that we set up that determine the direction of that relationship. We communicate on those matters and those things that we determine we should communicate on, and no one else, Mr. Speaker, no one else, is involved in that process.

I rise, Mr. Speaker, to affirm the relationship that I have with my spouse and to support the Murphy amendment, and I rise also to not allow anyone else in this room, in this State, or in this Nation to interfere with the personal relationship that we have.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny County, Representative McVerry.

Mr. McVERRY. Thank you, Mr. Speaker.

Would Representative Freind stand for a brief interrogation?

The SPEAKER pro tempore. Representative Freind indicates he shall. The gentleman may proceed.

Mr. McVERRY. Mr. Speaker, is it an accurate understanding that I have that one of the goals of this legislation is to bring Pennsylvania law into compliance with the constitutional standards set in the Webster case?

Mr. FREIND. I think, as I indicated before, Mr. Speaker, it is our opinion that Webster gave us a rational basis decision and permits us to go farther than we have gone, not only to restrict and regulate with respect to abortions but to also extend additional protection to all the victims - the baby, the mother, the husband, et cetera.

Mr. McVERRY. Did the Webster decision address the issue of spousal notice?

Mr. FREIND. No, it did not, Mr. Speaker.

Mr. McVERRY. Did the Missouri statute that was subject to the Webster decision deal with the issue of spousal notice?

Mr. FREIND. No, it did not, Mr. Speaker.

Mr. McVERRY. Has the United States Supreme Court ruled in any case, to your knowledge, that spousal notice provisions are constitutional?

Mr. FREIND. To the best of my knowledge, Mr. Speaker, the issue has not been considered by the United States Supreme Court. It has been considered by the Fifth Circuit and has been ruled constitutional.

Mr. McVERRY. Am I correct in interpreting your answer that the United States Supreme Court has not determined that spousal notice provisions in such statutes are constitutional?

Mr. FREIND. It has not either way. It has not said it is constitutional; it has not said it is unconstitutional.

Mr. McVERRY. So the statutes that have been tested through the courts to the United States Supreme Court have not yet had that provision in it for consideration by the Supreme Court of the United States.

Mr. FREIND. To the best of my knowledge, spousal notice has not yet come before the United States Supreme Court.

Mr. McVERRY. The issue of spousal consent, however, has come before the United States Supreme Court, has it not?

Mr. FREIND. I believe in the Danforth case, that is correct. That is consent, however, not notice.

Mr. McVERRY. Right. And the United States Supreme Court ruled that—

The SPEAKER pro tempore. Does the gentleman care to use his second 2 minutes? The gentleman is in order.

Mr. McVERRY. —ruled that spousal consent was unconstitutional, did it not?

Mr. FREIND. That is correct, and again, it is consent, not notice.

Mr. McVERRY. Now, you indicated that a Florida circuit court has ruled that spousal notice is constitutional. Did you not say that?

Mr. FREIND. That is correct. I also indicated that the case was remanded to Florida, because unlike our statute, it did not have an exception for where the husband is not the father of the unborn child.

Mr. McVERRY. Is it not accurate that the circuit court in Florida remanded that case and the district court determined that the spousal notice section was unconstitutional?

Mr. FREIND. That is quite correct, and once again, as I indicated, because unlike our legislation, it did not have the exception, and we have four, but the Fifth Circuit only had a problem because there was not the exception where the husband was not the father of the unborn baby.

Mr. McVERRY. So actually, however, irrespective of the fact that this statute or this proposed legislation has more factors than that which has been previously ruled upon, there has not been a ruling that this spousal notice section is constitutional?

Mr. FREIND. There has been neither a ruling that it is or is not.

Mr. McVERRY. Is it then the intention of the maker of the original amendment, you, that this section is designed to test from a constitutional perspective the acceptability of a spousal notice section?

Mr. FREIND. No, it is not, because we do not think this is a test of Roe v. Wade. In point of fact, we believe that even within Roe v. Wade, this will be ruled by the court as being constitutional. We do not think this is a provision which would permit the court to look at the fabric of Roe v. Wade.

Mr. McVERRY. Nevertheless, the spousal notice section does go beyond any provisions of that sort which have been found to be constitutional by the United States Supreme Court to date?

Mr. FREIND. It simply has not been decided, and I am unaware that we have ever refrained from running legislation of any type that the court has not ruled on one way or the other.

Mr. McVERRY. Have we ever dealt with the issue of spousal notice in any of the previous abortion control statutes that have been passed in the General Assembly?

Mr. FREIND. In 1987 we had paternal notice.

The SPEAKER pro tempore. The gentleman's time is up.

Mr. McVERRY. Thank you, Mr. Speaker.

I urge a favorable vote on the Murphy amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Representative Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

I was wondering if the gentleman, Mr. Freind, would stand for a brief interrogation, please.

The SPEAKER pro tempore. The gentleman indicates he will. The gentleman may proceed.

Mr. PISTELLA. Thank you.

Mr. Speaker, I realize it has been a long day for everyone. I have a question, though, that I have not been able to rectify.

In looking at the language of your amendment, it requires spousal notification. My question is, in the State of Pennsylvania we have most recently adopted a Divorce Code that provides for a unilateral divorce if one of the two parties would agree in fact to separate for a period of 3 years. Under the terms of that act, that statute, how would or would a spouse, the man, have in fact standing under the provisions contained within your amendment?

Mr. FREIND. Well, number one, if they are not divorced yet but living apart and the husband—and he is still the husband—is the father of the unborn child, there has to be notification. If in fact they are living apart and the husband is not the father of the unborn child, as you well know, that is one of the exceptions.

Mr. PISTELLA. All right. The other question that I have is, how would this relate to common-law marriages?

Mr. FREIND. In point of fact, a common-law marriage is recognized in Pennsylvania as a marriage.

Mr. PISTELLA. Well, I realize that, but if there were a separation of one of two parties during the course of a common-law marriage, what would be the net effect?

Mr. FREIND. Well, in point of fact, if they stopped holding themselves out as husband and wife, they would no longer be married. If in fact it is a common-law marriage and one of the requirements is they are holding themselves out as husband and wife, then in point of fact that would apply.

Mr. PISTELLA. Thank you, Mr. Speaker.

I have concluded my interrogation. I would just like to make a brief statement.

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. PISTELLA. Thank you, Mr. Speaker.

What Mr. Freind has done, Mr. Speaker, is to indicate that according to his interpretation of his amendment, it would require spousal notification. Yet the two cases that I have pointed out for consideration by the membership deal with the unilateral divorce provision wherein upon separation the spouse in fact gives up all rights to property that was acquired and held during the course of that marriage, yet we are instituting a provision that would seem to go beyond that, if in fact an individual has already given up or elected to give up the responsibility for that marriage.

The SPEAKER pro tempore. Does the gentleman care to use his second 2 minutes?

Mr. PISTELLA. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. PISTELLA. The second provision in relationship to the common-law marriage, I am told, is oftentimes a bone of contention in the fact that two people would live together in common-law status and would agree to separate or divorce, and oftentimes the question becomes, were they in fact married, and if not, when in fact would they be separated or divorced?

My concern is that the intention of Mr. Freind with his amendment does not adequately address those two provi-

sions. It is for that fact that I would strongly recommend that the wisest course of action under those circumstances would be the adoption of the Murphy amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the lady from Beaver, Representative Laughlin.

Mrs. LAUGHLIN. Thank you, Mr. Speaker.

As a woman and the wife of a former member of 36 years, I believe that my spouse would have the right to know, and I believe also that just as he has a right to know, that the unborn child has a right to live.

I would say, defeat the Murphy amendment.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the gentleman from Berks, Representative Leh.

Mr. LEH. Thank you, Mr. Speaker.

May I speak on the amendment?

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. LEH. Thank you.

The issue here is simply spousal notification. That is all. It is not some type of male superiority. It is not a lot of legal mumbo jumbo. It simply states that the spouse should be notified.

What this does, it does not destroy the woman's rights; it does not boost the man's rights. It protects the integrity and the sanctity of the family, and that is a responsibility of government - to protect the institution, the most important institution in our society, the family. The Murphy amendment would further erode that, and Lord knows we do enough in this hall to destroy family life in this State.

I would just ask that you would oppose the Murphy amendment and support the bill as it is, and I would ask all the males in here who have the specific parts they were born with to stand up and be counted. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery, Representative Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I am amazed to hear those who are so profamily and prolife talk as though there is no integrity in a marriage, that somehow we have to protect the family rather than protect the institution of marriage which allows that trust to function. We want to tell people how to be faithful.

I have listened to a lot of constitutional arguments again, and I get confused. Evidently the Constitution somehow says that a spouse should be notified but that if the father is not the spouse, he does not have to be notified. I would like to see where in the Constitution it makes a definition or a separation between the father as a spouse or the father as a nonspouse.

I think that there is a great deal of question as to the matter of constitutionality here, but I think besides that, we should support the Murphy amendment and let us let family integrity

be family integrity based on faith and mutual understanding rather than what we in Harrisburg try to make it to be. We cannot legislate that any more than we can morality. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, the Chair recognizes, for the second time, Representative Murphy from Allegheny County.

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, I thought the interrogation of the maker of the original amendment was enlightening. We have heard time and again that the victims of the abortion are the mother and the baby and the father and that in all cases the woman is the victim, yet in this particular section, the only place in this legislation, we make the woman the criminal.

Now, I want you to remember that, because this section forces the woman against maybe her better judgment to become a criminal, to lie on a statement because she is fearful of what might happen if she signs that statement. No place else in this legislation is the woman made the criminal. It is in this section. They want you to have to go back to the women in your district and tell them, if they acted out of good conscience, made a decision not to inform their husband out of good conscience, that they are going to be criminals for that act. That is what you are doing today. I do not believe that is fair. I do not believe that is good government, and I do not believe that solves the problem, and that is the second point that Mr. Freind made today.

Mr. Freind said that this particular section does not really go to Roe v. Wade. It does not deal with the issue of abortion directly. It does not deal with a woman's right of choice or the life of the baby. It deals with a peripheral issue. It deals with what we have heard about all day long - the relationship in a marriage and the ability of a husband and a wife to communicate. That is not something we should be involved in, and further, it is not something we should criminalize if a woman makes a choice not to notify her husband and not to sign a document. Keep that in mind. You are turning a woman not into a victim, not into a victim, with all the rhetoric I have heard, you are turning her into a criminal on this one particular section.

I ask your support for the amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of the amendment, the Chair recognizes the gentleman from Delaware, Representative Freind.

Mr. FREIND. I once again oppose the Murphy amendment. And let us do just that. Let any of us go back to your average constituent and say, do you think a husband has a right to at least be notified? They will be shocked that under the law right now they do not have that right. We are not talking about consent. We are merely talking about notification. How the family unit in the marital context can somehow become the enemy is beyond me.

Nowhere in this bill is a woman made a criminal for having an abortion. All we are saying is if in fact you violate an exist-

ing law, knowingly a false statement, then it is a misdemeanor 3. I do not think anybody has a problem by enforcing the existing law that says you cannot lie on the statement. We made it unsworn so we do not violate the woman's right to privacy with respect to a notary public.

So do just that on this issue. Go back and ask your constituents, and you are going to find out that they are appalled that a husband does not even have the right to know.

This is sound legislation, and I sincerely hope that we overwhelmingly defeat the Murphy amendment. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—75

Acosta	Freeman	Maiale	Richardson
Bishop	Gladeck	Maine	Ritter
Bortner	Hagarty	Merry	Robinson
Bowley	Harper	Michlovic	Roebuck
Brandt	Hayden	Moehlmann	Rudy
Broujos	Heckler	Mowery	Saurman
Burd	Howlett	Murphy	Scheetz
Carn	Hughes	Nahill	Smith, B.
Chadwick	Itkin	Nailor	Snyder, D. W.
Cohen	Jackson	O'Donnell	Stairs
Cornell	James	Oliver	Thomas
Cowell	Josephs	Petrone	Van Horne
DeWeese	Kukovich	Piccola	Veon
Davies	Langtry	Pievsky	Wambach
Dorr	Lashinger	Pistella	Williams
Evans	Levdansky	Pressmann	Wilson
Farmer	Linton	Preston	Wright, D. R.
Flick	McNally	Reber	Wright, R. C.
Fox	McVerry	Reinard	

NAYS—125

Adolph	Dempsey	Kenney	Ryan
Allen	Dietterick	Kondrich	Rybak
Angstadt	Dininni	Kosinski	Saloom
Argall	Distler	LaGrotta	Schuler
Barley	Dombrowski	Laughlin	Scrimenti
Battisto	Donatucci	Lee	Semmel
Belardi	Durham	Leh	Serafini
Billow	Fairchild	Lescovitz	Smith, S. H.
Birmelin	Fargo	Letterman	Snyder, G.
Black	Fee	Lloyd	Staback
Blaum	Fleagle	Lucyk	Steighner
Boyes	Foster	McCall	Stish
Bunt	Freind	McHale	Strittmatter
Burns	Gallen	Markosek	Stuban
Bush	Gamble	Marsico	Tangretti
Caltagirone	Gannon	Mayernik	Taylor, E. Z.
Cappabianca	Geist	Melio	Taylor, F.
Carlson	George	Micozzie	Taylor, J.
Cawley	Gigliotti	Miller	Telek
Cessar	Godshall	Morris	Tigue
Civera	Gruitza	Mrkonic	Trich
Clark, B. D.	Gruppo	Noye	Vroon
Clark, D. F.	Haluska	O'Brien	Wass
Clark, J. H.	Hasay	Olasz	Weston
Clymer	Hayes	Perzel	Wogan
Colafranca	Herman	Pesci	Wozniak
Colaizzo	Hess	Petrarca	Wright, J. L.
Cole	Jadlowiec	Phillips	Yandrisevits
Corrigan	Jarolin	Pitts	
Coy	Johnson	Raymond	Manderino,
DeLuca	Kaiser	Rieger	Speaker
Daley	Kasunic	Robbins	

NOT VOTING—1

Trello

EXCUSED—2

Belfanti Hershey

The question was determined in the negative, and the amendments were not agreed to.

ANNOUNCEMENT BY MR. DORR

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Dorr, from York. What is the purpose the gentleman rises?

Mr. DORR. Mr. Speaker, would I be in order to notify the members that I am about to introduce the personal care home bill and that anybody who wants to cosponsor it should come to the table in the rear to do so before I put it in the hopper?

The SPEAKER pro tempore. The gentleman so stated. I guess he is in order at that point.

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Representative Trello.

Mr. TRELLO. Mr. Speaker, on that last vote, my switch malfunctioned, and if I could have voted, I would like to have been recorded in the negative on the Murphy amendment A3432 to SB 369.

The SPEAKER pro tempore. The record will so designate.

CONSIDERATION OF SB 369 CONTINUED

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Ms. RITTER offered the following amendments No. A3477:

Amend Sec. 4 (Sec. 3211), page 7, lines 36 through 39 (A3332), by striking out “either” in line 36, all of lines 37 and 38 and “woman” in line 39 and inserting the death, substantial risk of death, serious physical injury, serious physical illness, or protracted loss or serious impairment of a major bodily function of the pregnant woman

Amend Sec. 4 (Sec. 3211), page 7, line 59; page 8, lines 1 and 2 (A3332), by striking out “either the death of the pregnant woman” in line 59, page 7; all of lines 1 and 2, page 8 and inserting the death, substantial risk of death, serious physical injury, serious physical illness, or protracted loss or serious impairment of a major bodily function of the pregnant woman

Amend Sec. 4 (Sec. 3211), page 8, lines 8 through 10 (A3332), by striking out “either the death of the pregnant” in line 8, all of lines 9 and 10 and inserting the death, substantial risk of death, serious physical injury, serious physical illness, or protracted loss or serious impairment of a major bodily function of the pregnant woman

Amend Sec. 4 (Sec. 3211), page 8, lines 16 through 19 (A3332), by striking out “either of the” in line 16, all of lines 17 and 18 and “woman” in line 19 and inserting

the death, substantial risk of death, serious physical injury, serious physical illness, or protracted loss or serious impairment of a major bodily function of the pregnant woman

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the lady from Lehigh, Representative Ritter.

Ms. RITTER. Thank you, Mr. Speaker.

This amendment is a redraft of the Hagarty amendment dealing with abortions performed after 24 weeks and defining health exceptions to that ban. So we have retained the same language as before, which is, “the death, substantial risk of death, serious physical injury, serious physical illness, or protracted loss or” and we have added the words “serious impairment of a” and we have added the words “major bodily function.”

So we have narrowed it substantially in terms of impairment of bodily function, and we would ask for your support on this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the gentleman, Representative Freind, from Delaware.

Mr. FREIND. Thank you, Mr. Speaker.

It is virtually identical to an amendment, I believe the Hagarty amendment, which we defeated.

Once again, the issue here is health. And once again, we have very carefully weighed life of the mother, life of the baby. The scales come down for the mother. Serious and substantial and irreversible impairment of major bodily function of the mother against the life of the baby, once again, in favor of the mother. But when you get into the general terms, “serious physical injury, serious physical illness, or protracted loss or serious impairment of a major bodily function,” what is “protracted”? What is “serious”?

Once again we are back into the open-ended health exception which we have already rejected on I think three previous occasions today.

I ask for a negative vote, Mr. Speaker. Thank you.

POINT OF ORDER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester, Representative Vroon.

Mr. VROON. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman shall state his point.

Mr. VROON. Is it not against the rules of the House to consider the same amendment over and over again?

The SPEAKER pro tempore. The Chair rules that the amendment is similar but not identical, and the amendment is in order.

Mr. VROON. Is the rule identical? Identical as to words or identical as to content?

The SPEAKER pro tempore. Under rule 27 it has to be identical, and the amendment is in order. It is different.

The Chair recognizes the gentleman from Lehigh, Representative McHale.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, in a sense I admire the certainty with which the gentleman, Mr. Freind, and the lady, Ms. Ritter, can approach this issue. I do not approach this issue with that same absolute certainty in the correctness of my position. I frankly approach this question with some doubt. There are those of us in the chamber who believe both in the right to life and in the right of privacy, and in the context of this specific amendment, a careful balancing between the two is called into order.

Now, throughout the course of the afternoon, Mr. Speaker, I have supported some prochoice amendments and strongly opposed some others. For instance, earlier in the afternoon I opposed the Hagarty amendment, the one to which Mr. Vroon made reference, because I believe that in the third trimester of a pregnancy, only the most exceptional of circumstances can justify the taking of that fetal life. Mr. Freind has included some of those exceptional circumstances in the original text of his amendment.

I opposed the Hagarty amendment because I thought the door was opened too wide. I opposed the Hagarty amendment because it would have allowed a third-trimester abortion simply if the standard of an impairment of bodily function were met. I do not think that an impairment, a minor impairment, of a relatively minor bodily function justifies ethically or legally the taking of that fetal life at that stage in the gestational period. What I would point out to the members, however, is that contrary to the assertion made by some of the other speakers, the Ritter amendment is quite different. The Ritter amendment now before the House calls for a serious impairment of a major bodily function.

The gentleman, Mr. Freind, opened the door when he provided a health exception in the third trimester. I believe that the lady, Mrs. Hagarty, went too far in terms of the text of her amendment. The Ritter amendment would allow the taking of that life only under the exceptional circumstances of death, substantial risk of death, serious physical injury, serious physical illness, or protracted loss or serious impairment of a major bodily function.

If I may have my second 2 minutes, Mr. Speaker?

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. McHALE. I will take just a few moments to conclude.

I believe that this strikes an appropriate balance. There are many of us who respect profoundly the right to life in the third trimester and only the most exceptional of circumstances, such as those carefully now drawn in the Ritter amendment, can justify the taking of that life. These are difficult decisions. In contrast to the earlier amendment, I believe this one is carefully drawn, and I urge support for the Ritter amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the lady from Philadelphia, Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I am sitting here and listening to this discussion and this debate, and as I am doing this I am thinking about myself going back into my district and being questioned by a woman, or by the children of that woman, or the husband of that woman, or the brother or uncle or friend of that woman about this debate. I am wondering how I can say to those people, it did not really matter to me that you have a really serious kidney problem; that you have a condition which was aggravated by your pregnancy; that you are going to be in pain because of my vote against the Ritter amendment. I hope that everybody who is listening to this debate, which is not too many people in this House, has formulated the answer to that woman when that woman asks him or her that question.

It is important. I want to make sure that the record shows this is important. Women's lives and health, women's safety, women's thoughts, women's philosophies, women's private philosophical beliefs hang in this balance, and I would like to know how you can justify a "no" vote to your constituents. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the gentleman from Chester, Representative Pitts.

Mr. PITTS. Thank you, Mr. Speaker.

We have considered this amendment, similar amendments. Now this is the fourth time, I think. Again, this is the broad health-of-the-mother exception. The words here, "protracted loss or serious impairment." What does "protracted loss" mean? Does that mean for a few weeks, that for a few weeks of illness you can trade off the life of the child for this health-of-the-mother exception?

Mr. Speaker, I think we are almost getting to a filibuster here the way these things are being offered. I would suggest we defeat this. We have already voted several times.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of the amendment, the Chair recognizes, for the second time, Representative Ritter from Lehigh.

Ms. RITTER. Very briefly, Mr. Speaker, I just want to point out that we are not talking about a very broad amendment here. This is a very narrow amendment. It is drawn specifically to address serious health problems that affect women at this point in the pregnancy. We are not talking about an abortion in terms of saline or D and E. Again, we are talking about an early delivery, and we are talking about allowing the physician to be making those decisions, balancing the interests of both patients that they have at the point of viability, but certainly allowing a woman to make a decision about abortion in these very narrow cases of substantial risk of death, serious physical injury, serious physical illness, protracted loss or serious impairment of a major bodily function.

I think, Mr. Speaker, that this amendment is very narrowly drawn and will address the serious concerns that members have in this area, and I would ask for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the lady.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—89

Acosta	Godshall	McVerry	Ritter
Angstadt	Gruitza	Maiale	Robinson
Bishop	Hagarty	Maine	Roebuck
Blaum	Harper	Mayernik	Rudy
Bortner	Hayden	Merry	Ryan
Bowley	Hayes	Michlovic	Saurman
Boyes	Heckler	Miller	Scheetz
Brandt	Herman	Moehlmann	Semmel
Broujos	Hess	Mowery	Smith, B.
Carn	Hughes	Murphy	Snyder, D. W.
Chadwick	Itkin	Nahill	Snyder, G.
Clark, D. F.	Jackson	O'Donnell	Thomas
Cohen	James	Oliver	Trich
Cornell	Josephs	Petrone	Van Horne
Cowell	Kukovich	Piccola	Veon
DeWeese	Lashinger	Pievsky	Wambach
Davies	Lee	Pistella	Wass
Dorr	Levdansky	Pressmann	Williams
Evans	Linton	Preston	Wilson
Flick	Lloyd	Reber	Wright, D. R.
Fox	McHale	Reinard	Wright, J. L.
Freeman	McNally	Richardson	Wright, R. C.
Gladeck			

NAYS—112

Adolph	Dempsey	Kenney	Robbins
Allen	Dietterick	Kondrich	Rybak
Argall	Dininni	Kosinski	Saloom
Barley	Distler	LaGrotta	Schuler
Battisto	Dombrowski	Langtry	Scrimenti
Belardi	Donatucci	Laughlin	Serafini
Billow	Durham	Leh	Smith, S. H.
Birmelin	Fairchild	Lescovitz	Staback
Black	Fargo	Letterman	Stairs
Bunt	Farmer	Lucyk	Steighner
Burd	Fee	McCall	Stish
Burns	Fleagle	Markosek	Strittmatter
Bush	Foster	Marsico	Stuban
Caltagirone	Freind	Melio	Tangretti
Cappabianca	Gallen	Micozzie	Taylor, E. Z.
Carlson	Gamble	Morris	Taylor, F.
Cawley	Gannon	Mrkonic	Taylor, J.
Cessar	Geist	Nailor	Telek
Civera	George	Noye	Tigue
Clark, B. D.	Gigliotti	O'Brien	Trello
Clark, J. H.	Gruppo	Olasz	Vroon
Clymer	Haluska	Perzel	Weston
Colafiglia	Hasay	Pesci	Wogan
Colaizzo	Howlett	Petrarca	Wozniak
Cole	Jadlowiec	Phillips	Yandrisevits
Corrigan	Jarolin	Pitts	
Coy	Johnson	Raymond	Manderino,
DeLuca	Kaiser	Rieger	Speaker
Daley	Kasunic		

NOT VOTING—0

EXCUSED—2

Belfanti Hershey

The question was determined in the negative, and the amendments were not agreed to.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair wants to recognize now the chairman of the Appropriations Committee, from Philadelphia, Representative Pievsky.

Mr. PIEVSKY. Thank you, Mr. Speaker.

Mr. Speaker, there will be a brief meeting of the Appropriations Committee at the rear of the chamber immediately.

The SPEAKER pro tempore. Will the members of the Appropriations Committee retire to the rear of the chamber for a meeting.

HOUSE SCHEDULE

The SPEAKER pro tempore. The Chair recognizes now the majority leader, from Philadelphia, Representative O'Donnell.

Mr. O'DONNELL. Thank you, Mr. Speaker.

I would like to address the subject of our schedule, so I would like your attention for just a minute.

We are going to take a break now. The cafeteria is available. I am going to suggest a recess, returning here at 7:30. Now, let me finish. Seven-thirty gives you enough time to eat. It does not give you enough time, obviously, to go out and eat. So we are going to start promptly at 7:30. So at 7:30—and this place is obviously under scrutiny—we will begin debating and we will begin voting.

I would urge you to consider two other ideas: One, do we really need to be here tomorrow? That depends on the authors of the amendments and it depends on your belief about the importance of what you have to say on any given amendment. I urged you to be succinct. Now I urge you to be more than succinct. We are coming back at 7:30, and we are going to try and finish tonight. Thank you.

RECESS

The SPEAKER pro tempore. This House stands in recess until 7:30.

AFTER RECESS

The time of recess having expired, the House was called to order.

BILLS REREPORTED FROM COMMITTEE

HB 193, PN 2260 By Rep. PIEVSKY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, creating the offense of trespass by motor vehicles; and further providing for fines, penalties and suspension of driver's license for unauthorized operation of motor vehicles on private real property.

APPROPRIATIONS.

HB 246, PN 2688 (Amended)

By Rep. PIEVSKY

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, requiring nonprofit corporations to supply information as to affiliation, activities and tax status to the Commonwealth; providing for powers and duties of the Department of State and the Department of Revenue; and providing for penalties.

APPROPRIATIONS.

HB 656, PN 724 By Rep. PIEVSKY

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," providing for voter registration forms to be given to high school graduates.

APPROPRIATIONS.

HB 1239, PN 1427 By Rep. PIEVSKY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining the term "abandoned vehicle"; and providing for the removal of vehicles abandoned on the Pennsylvania Turnpike System.

APPROPRIATIONS.

SB 576, PN 1404 By Rep. PIEVSKY

An Act providing for a Statewide emergency telephone number "911" system; providing for no-interest loans to help establish 911 emergency communication systems, for a referendum and for contributions from telephone subscribers; providing a penalty; and making a repeal.

APPROPRIATIONS.

BILLS ON SECOND CONSIDERATION

The following bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

HB 193, PN 2260; HB 246, PN 2688; HB 656, PN 724; HB 1239, PN 1427; and SB 576, PN 1404.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

HB 1525, PN 1786 By Rep. PIEVSKY

An Act amending the act of July 9, 1986 (P. L. 1216, No. 108), known as the "Enterprise Zone Municipal Tax Exemption Reimbursement Act," extending the time period for tax exemptions.

APPROPRIATIONS.

**BILL REREPORTED AND REREFERRED TO
COMMITTEE ON EDUCATION**

HB 1810, PN 2445 By Rep. PIEVSKY

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," requiring instruction relating to the cause and prevention of alcohol, chemical and tobacco abuse; providing for in-service training programs and workshops; and requiring in-service training for teachers in the field of substance abuse.

APPROPRIATIONS.

BILL REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader, Representative O'Donnell.

Mr. O'DONNELL. Mr. Speaker, I move that HB 1525 be removed from the table and be placed on the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND TABLED**

SB 405, PN 1666 (Amended)

By Rep. COWELL

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for background checks of prospective employees; providing for termination of the employment of employees convicted of certain offenses; and further providing for condemnation.

EDUCATION.

SB 555, PN 1095 By Rep. RICHARDSON

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for payments for pharmaceutical services.

HEALTH AND WELFARE.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER pro tempore. The Chair acknowledges the additions and deletions of sponsors, which shall be filed with the clerk.

The following list was submitted:

ADDITIONS:

HB 761, Scrimenti; HB 930, Kenney, Weston, Telek, McHale, Mrkonic, Johnson, Melio, Belfanti, E. Z. Taylor, Billow; HB 988, Jarolin; HB 1353, Phillips; HB 1535, Itkin; HB 1630, Mrkonic; HB 1876, Piccola; HB 1885, Fleagle, McHale, E. Z. Taylor; HB 1898, James; HB 1944, Fee; HB 1960, Nailor; HB 1968, Civera; HB 1983, James; HB 1985, Davies; HB 2005, Civera; HB 2011, Veon, Dorr, Itkin, Scrimenti; HB 2029, James; HB 2032, Robbins; HB 2033, Weston, Trello; HB 2035, Robbins; HB 2036, J. H. Clark, Trello; HR 208, Hess; HR 214, Scrimenti, Robbins.

DELETIONS:

HB 195, Scrimenti; HB 1546, Bishop; HB 1928, McCall.

SENATE MESSAGE

**AMENDED HOUSE BILL RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES**

The clerk of the Senate, being introduced, returned **HB 71, PN 2673**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

VOTE CORRECTIONS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Representative Roebuck. For what purpose does the gentleman rise?

Mr. ROEBUCK. To correct the record, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. ROEBUCK. Thank you, Mr. Speaker.

On amendment 3409 to SB 369, I was not recorded as voting. I wish to be recorded in the affirmative.

The SPEAKER pro tempore. The Chair will reflect those remarks on the record.

The Chair recognizes the gentleman from Lawrence, Mr. Fee.

Mr. FEE. To correct the record, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. FEE. On amendment 3367 to SB 369, I would like to correct the record and vote "yes."

The SPEAKER pro tempore. The gentleman's remarks will be recorded in the record.

Any additional changes for the record? The Chair sees none.

The Chair now returns the gavel to Speaker Manderino with his thanks and appreciation.

**THE SPEAKER (JAMES J. MANDERINO)
IN THE CHAIR**

The SPEAKER. The Chair thanks the Representative from Dauphin County, Representative Wambach, for presiding in the absence of the Speaker.

**CALENDAR CONTINUED
CONSIDERATION OF SB 369 CONTINUED**

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Mr. FREIND offered the following amendments No. A3400:

Amend Sec. 5, page 11, lines 38 through 42 (A3332), by striking out all of said lines

Amend Sec. 6, page 11, line 43 (A3332), by striking out "6" and inserting

5

Amend Sec. 7, page 11, line 46 (A3332), by striking out "7" and inserting

6

Amend Sec. 8, page 11, line 52 (A3332), by striking out "8" and inserting

7

Amend Sec. 9, page 12, line 1 (A3332), by striking out "9" and inserting

8

Amend Sec. 10, page 12, line 9 (A3332), by striking out "10" and inserting

9

On the question,
Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes Representative Freind from Delaware County.

Mr. FREIND. Thank you, Mr. Speaker.

As I indicated at the outset of this debate, one of the provisions presently in the legislation provides concurrent jurisdiction to the Attorney General for enforcement of the Abortion Control Act, and this was done because the Attorney General desired to have that jurisdiction in view of the fact that a lot of the sections are complicated, have reporting requirements to State agencies. However, the Attorney General has recently met—I think it was today—with the District Attorneys Association, and there is a fear there, not on the issue itself, but this would begin an encroachment process on the original jurisdiction of local law enforcement. The Attorney General wants to allay the fear of local law enforcement, does not want to be involved in a turf war with local law enforcement, nor do we. Therefore, responding to the concern of the Attorney General as expressed to us and also the concern of local law enforcement, this amendment deletes the section which would give concurrent jurisdiction to the Attorney General.

I think this is an amendment that we can all support, and I ask for passage. Thank you.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—199

Acosta	Donatucci	Lashinger	Ritter
Adolph	Dorr	Laughlin	Robbins
Allen	Durham	Lee	Robinson
Angstadt	Evans	Leh	Roebuck
Argall	Fairchild	Lescovitz	Rudy
Barley	Fargo	Letterman	Ryan
Battisto	Farmer	Linton	Rybak
Belardi	Fee	Lloyd	Saloom
Billow	Fleagle	Lucyk	Saurman
Birmelin	Flick	McHale	Scheetz
Bishop	Foster	McNally	Schuler
Black	Fox	McVerry	Scriminti
Blaum	Freeman	Maiale	Semmel
Bortner	Freind	Maine	Serafini
Bowley	Gallen	Markosek	Smith, B.
Boyes	Gamble	Marsico	Smith, S. H.
Brandt	Gannon	Mayernik	Snyder, D. W.
Broujos	Geist	Melio	Snyder, G.
Bunt	George	Merry	Staback
Burd	Gigliotti	Michlovic	Stairs
Burns	Gladeck	Micozzie	Steighner
Bush	Godshall	Miller	Stish
Caltagirone	Gruitza	Moehlmann	Strittmatter
Cappabianca	Gruppo	Morris	Stuban
Carlson	Hagarty	Mowery	Tangretti
Carn	Haluska	Mrkonic	Taylor, E. Z.
Cawley	Harper	Murphy	Taylor, F.
Cessar	Hasay	Nahill	Taylor, J.
Chadwick	Hayden	Nailor	Telek
Civera	Hayes	Noye	Thomas
Clark, B. D.	Heckler	O'Brien	Tigue
Clark, D. F.	Herman	O'Donnell	Trello
Clark, J. H.	Hess	Olasz	Trich
Clymer	Howlett	Oliver	Van Horne
Cohen	Hughes	Perzel	Veon
Colafrella	Itkin	Pesci	Vroon
Colaizzo	Jackson	Petrarca	Wambach

Cole	Jadlowiec	Petrone	Wass
Cornell	James	Phillips	Weston
Corrigan	Jarolin	Piccola	Williams
Cowell	Johnson	Pievsky	Wilson
Coy	Josephs	Pistella	Wogan
DeLuca	Kaiser	Pitts	Wozniak
DeWeese	Kasunic	Pressmann	Wright, D. R.
Daley	Kenney	Preston	Wright, J. L.
Davies	Kondrich	Raymond	Wright, R. C.
Dempsey	Kosinski	Reber	Yandrisevits
Dietterick	Kukovich	Reinard	
Dininni	LaGrotta	Richardson	Manderino,
Distler	Langtry	Rieger	Speaker
Dombrowski			

NAYS—0

NOT VOTING—2

Levdansky McCall

EXCUSED—2

Belfanti Hershey

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mrs. FARMER offered the following amendments No. A3338:

Amend Sec. 4 (Sec. 3211), page 8, line 28 (A3332), by striking out "first" and inserting third

Amend Sec. 4 (Sec. 3211), page 8, line 29 (A3332), by striking out "first" where it appears the first time and inserting second

Amend Sec. 4 (Sec. 3211), page 8, line 30 (A3332), by striking out "felony of the third" and inserting misdemeanor of the first

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the author of the amendment, Representative Farmer from Allegheny County.

Mrs. FARMER. Thank you, Mr. Speaker.

Mr. Speaker, I hope that you will all find this a very simple amendment. In essence what we are doing is changing the penalty for the viability after 24 weeks back to coincide with our current Abortion Control Act and to bring them into conformity with the same penalties that we have for the infanticide section.

I would request your support of this amendment.

The SPEAKER. The question is on the amendment. From Delaware County, Representative Freind is recognized.

Mr. FREIND. Thank you, Mr. Speaker.

I support this amendment.

We weighed this issue for the last couple weeks back and forth about standard of care, and the point of the matter is, this does make it more consistent with the other provisions, the third-degree felony rather than the first degree.

I think it is a good amendment. I hope we can all support it. Thank you.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—201

Acosta	Donatucci	Laughlin	Ritter
Adolph	Dorr	Lee	Robbins
Allen	Durham	Leh	Robinson
Angstadt	Evans	Lescovitz	Roebuck
Argall	Fairchild	Letterman	Rudy
Barley	Fargo	Levdansky	Ryan
Battisto	Farmer	Linton	Rybak
Belardi	Fee	Lloyd	Saloom
Billow	Fleagle	Lucyk	Saurman
Birmelin	Flick	McCall	Scheetz
Bishop	Foster	McHale	Schuler
Black	Fox	McNally	Scrimenti
Blaum	Freeman	McVerry	Semmel
Bortner	Freind	Maiale	Serafini
Bowley	Gallen	Maine	Smith, B.
Boyes	Gamble	Markosek	Smith, S. H.
Brandt	Gannon	Marsico	Snyder, D. W.
Broujos	Geist	Mayernik	Snyder, G.
Bunt	George	Melio	Staback
Burd	Gigliotti	Merry	Stairs
Burns	Gladeck	Michlovic	Steighner
Bush	Godshall	Micozzie	Stish
Caltagirone	Gruitza	Miller	Strittmatter
Cappabianca	Gruppo	Moehlmann	Stuban
Carlson	Hagarty	Morris	Tangretti
Carn	Haluska	Mowery	Taylor, E. Z.
Cawley	Harper	Mrkonic	Taylor, F.
Cessar	Hasay	Murphy	Taylor, J.
Chadwick	Hayden	Nahill	Telek
Civera	Hayes	Nailor	Thomas
Clark, B. D.	Heckler	Noye	Tigue
Clark, D. F.	Herman	O'Brien	Trello
Clark, J. H.	Hess	O'Donnell	Trich
Clymer	Howlett	Olasz	Van Horne
Cohen	Hughes	Oliver	Veon
Colafella	Itkin	Perzel	Vroon
Colaizzo	Jackson	Pesci	Wambach
Cole	Jadlowiec	Petrarca	Wass
Cornell	James	Petrone	Weston
Corrigan	Jarolin	Phillips	Williams
Cowell	Johnson	Piccola	Wilson
Coy	Josephs	Pievsky	Wogan
DeLuca	Kaiser	Pistella	Wozniak
DeWeese	Kasunic	Pitts	Wright, D. R.
Daley	Kenney	Pressmann	Wright, J. L.
Davies	Kondrich	Preston	Wright, R. C.
Dempsey	Kosinski	Raymond	Yandrisevits
Dietterick	Kukovich	Reber	
Dininni	LaGrotta	Reinard	Manderino,
Distler	Langtry	Richardson	Speaker
Dombrowski	Lashingier	Rieger	

NAYS—0

NOT VOTING—0

EXCUSED—2

Belfanti Hershey

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mrs. RUDY offered the following amendment No. A3353:

Amend Sec. 2 (Sec. 3208), page 4, line 43 (A3332), by inserting after "survival"
; provided that any such pictures or drawings must contain the dimensions of the fetus and must be realistic and appropriate for the woman's stage of pregnancy

On the question,
 Will the House agree to the amendment?

The SPEAKER. *On that question, the author of the amendment, Representative Rudy from Centre County, is recognized.*

Mrs. RUDY. Thank you, Mr. Speaker.

Mr. Speaker, my amendment is very clear and straightforward. This amendment requires that the pictures of fetuses that doctors must offer to their patients be accurate and relevant.

I am sure we all agree that women have the right to accurate and complete information on which to base their decision whether or not to have an abortion. If we are going to require doctors to offer pictures of fetuses to their patients, we have a responsibility to be sure that these pictures are accurate and pertain to the stage of pregnancy that the woman is in so she can understand what she is doing.

I urge a "yes" vote on this amendment.

The SPEAKER. *On the amendment, from Delaware County, Representative Freind is recognized.*

Mr. FREIND. Thank you, Mr. Speaker.

The issue here is the printed materials which a woman ought to have access to, and one of the things is to be advised of the gestational characteristics of the unborn baby. Now, we do not regulate how the department publishes these materials; only that they are to be done in a responsible fashion.

There are two problems with this amendment. First, even a well-formed baby at an early stage is extremely tiny. If in fact you have a picture in there with the actual scale, it would be virtually impossible to see. Number two, at a later stage, like 24 weeks or later than that, you are not going to have a pamphlet big enough to contain the actual scale of the size of that unborn baby. So I think what we ought to do here is do exactly what we did in the legislation - trust the judgment of the Department of Welfare with respect to the preparation of these materials. We want them to be balanced. We want them to be realistic.

I think the existing language is adequate. I think this would make good information to assist a woman virtually impossible on *both ends of the spectrum with respect to the unborn child*. I hope we defeat the amendment. Thank you.

The SPEAKER. *The question is on the amendment. On that question, from Philadelphia, Representative Josephs is recognized.*

Ms. JOSEPHS. Thank you, Mr. Speaker.

I have to say that I am amazed that this amendment is being opposed, because I thought that we all agreed that women were allowed, should have, have an obligation to have, accurate information before they make this decision.

For those of you in the antiabortion movement, I am sorry that a very early embryo or fetus is really tiny, but it happens

to be a scientific fact, and if we deny our constituents the truth of this kind of scientific fact, I think we are being very, very intellectually dishonest and very disrespectful of their right to know.

I would like to quote something said by the gentleman from Delaware County in the Wall Street Journal, October 19, where he said:

Regardless of whether one supports or opposes the right to an abortion, it is virtually impossible for any rational human being to disagree with the concept that a woman has the right to have all of the appropriate materials and advice made available to her before she makes a decision which, one way or the other, might remain with her for the rest of her life.

I agree; I agree. I think everybody here ought to agree with me. Thank you, Mr. Speaker.

The SPEAKER. *The question is on the amendment, and on that question, from Delaware County, Representative Freind is recognized for the second time.*

Mr. FREIND. Mr. Speaker, I have looked at this language again, and it says, "...must contain the dimensions...." That does not mean that each picture has to be the actual size. I read that wrong. I have got no problem with "realistic and appropriate." When I look at this a second time, this is a good amendment. I hope we can support it. Thank you, Mr. Speaker.

The SPEAKER. *The question is on the amendment, and on that question—*

Mrs. RUDY. *Mr. Speaker?*

I just wanted to say I am glad that Representative Freind read the amendment thoroughly.

The SPEAKER. *Representative Josephs from Philadelphia is recognized.*

Ms. JOSEPHS. I wanted to establish for legislative history that we mean that the picture be drawn to scale. If the embryo is a millimeter, the picture is a millimeter.

On the question recurring,
 Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

Acosta	Dombrowski	Lashinger	Ritter
Adolph	Donatucci	Laughlin	Robbins
Allen	Dorr	Lee	Robinson
Angstadt	Durham	Leh	Roebuck
Argall	Evans	Lescovitz	Rudy
Barley	Fairchild	Letterman	Ryan
Battisto	Fargo	Levdansky	Rybak
Belardi	Farmer	Linton	Saloom
Billow	Fee	Lloyd	Saurman
Birmelin	Fleagle	Lucyk	Scheetz
Bishop	Flick	McCall	Schuler
Black	Fox	McHale	Scrimenti
Blaum	Freeman	McNally	Semmel
Bortner	Freind	McVerry	Serafini
Bowley	Gallen	Maiale	Smith, B.
Boyes	Gamble	Maine	Smith, S. H.
Brandt	Gannon	Markosek	Snyder, D. W.
Broujos	Geist	Marsico	Snyder, G.
Bunt	George	Mayernik	Staback
Burd	Gigliotti	Melio	Stairs
Burns	Gladeck	Merry	Steighner
Bush	Godshall	Michlovic	Stish

Caltagirone	Gruitza	Micozzie	Strittmatter
Cappabianca	Gruppo	Miller	Stuban
Carlson	Hagarty	Moehlmann	Tangretti
Carn	Haluska	Morris	Taylor, E. Z.
Cawley	Harper	Mowery	Taylor, F.
Cessar	Hasay	Murphy	Taylor, J.
Chadwick	Hayden	Nahill	Telek
Civera	Hayes	Nailor	Thomas
Clark, B. D.	Heckler	Noye	Tigue
Clark, D. F.	Herman	O'Brien	Trello
Clark, J. H.	Hess	O'Donnell	Trich
Clymer	Howlett	Oliver	Van Horne
Cohen	Hughes	Perzel	Veon
Colafiglia	Itkin	Pesci	Vroon
Colaizzo	Jackson	Petrarca	Wambach
Cole	Jadlowiec	Petrone	Wass
Cornell	James	Phillips	Weston
Corrigan	Jarolin	Piccola	Williams
Cowell	Johnson	Pievsky	Wilson
Coy	Josephs	Pistella	Wogan
DeLuca	Kaiser	Pitts	Wozniak
DeWeese	Kasunic	Pressmann	Wright, D. R.
Daley	Kenney	Preston	Wright, J. L.
Davies	Kondrich	Raymond	Wright, R. C.
Dempsey	Kosinski	Reber	Yandrisevits
Dietterick	Kukovich	Reinard	
Dininni	LaGrotta	Richardson	Manderino,
Distler	Langtry	Rieger	Speaker

NAYS—1

Mrkonic

NOT VOTING—2

Foster

Olasz

EXCUSED—2

Belfanti

Hershey

The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. GLADECK offered the following amendments No. A3478:

Amend Title, page 1, line 7 (A3332), by inserting after "gestation;"

calling for a referendum as to applicability of the act;

Amend Bill, page 12, by inserting between lines 8 and 9 (A3332)

Section 10. With the exception of the amendments to section 4302 (relating to incest) the provisions of this act shall not apply to any person until a question thereon is submitted to the electors of this Commonwealth at the next municipal or general election occurring at least 60 days after the effective date of this act and a majority voting thereon vote in the affirmative. The question shall be in the following form:

Shall the 1989 Abortion Control Act take effect?

Amend Sec. 10, page 12, line 9 (A3332), by striking out "10" and inserting

11

Amend Sec. 10, page 12, lines 9 through 15 (A3332), by striking out "as follows:" in line 9, all of lines 10 through 15 and inserting

immediately.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Montgomery, Representative Gladeck.

Mr. GLADECK. Thank you, Mr. Speaker.

Mr. Speaker, I stand before you this evening and I offer this amendment in all humbleness. It is a binding referendum to be placed on the ballot 60 days after the effective date of this act upon the signing of this legislation by the Governor, if that should occur. The question "Shall the 1989 Abortion Control Act take effect?" would be the question that would be asked.

I do not purport to be omnipotent on the abortion question. Accordingly, I believe that this is an issue so divisive and that the opinions of Pennsylvanians are so diverse that I believe that the people of Pennsylvania should be the final arbiter as to whether or not this act shall become the law.

I ask for your serious consideration of this amendment and your vote. Thank you.

The SPEAKER. From Philadelphia, Representative Kosinski is recognized on the amendment.

Mr. KOSINSKI. Will the speaker stand for interrogation?

Mr. GLADECK. I would be more than happy to try to answer your questions.

The SPEAKER. The gentleman indicates he will.

Mr. KOSINSKI. Mr. Speaker, how will the referendum question be phrased?

Mr. GLADECK. Mr. Speaker, I just said that in my initial remarks. It shall say, "Shall the 1989 Abortion Control Act take effect?" It will be placed on the ballot at the next election no less than 60 days after the effective passage of this act, and the act shall not take effect until such time as the people of Pennsylvania get a chance to vote on it.

Mr. KOSINSKI. Mr. Speaker, on the Gladeck amendment.

The SPEAKER. The gentleman is in order.

Mr. KOSINSKI. Mr. Speaker, as a four-term State Representative and as somebody who has handled the tough issues with each and every one of us in here, I would oppose the Gladeck amendment.

There are a number of us sent up here to handle these issues and to vote on them. We have dealt with referendum questions before, and even in Mr. Gladeck's phrasing of a very difficult referendum question, there is an inadequacy that most people will not understand.

First of all, you see 203 members in front of you today who in good faith are debating this Abortion Control Act, yet even most of the members here would not be able to tell you what is involved in that act. So you have a problem there with the informational flow going out to the voter.

The second one again, as I mentioned before, is a philosophical problem. We are put here by our constituents to handle the tough questions and to take a stand.

Third, I am always worried about the inequality in financial facilities and financial wherewithal from the abortion side. They have abortion clinics. They have a constituency out there that makes their living from abortions and would be able to fully fund such a referendum question. The prolife side does not have that financial incentive.

For all those reasons I would ask for a vote against the Gladeck referendum amendment.

The SPEAKER. The question is on the amendment. On that question, the Chair recognizes the minority leader, Representative Ryan from Delaware County.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman, Mr. Kosinski, gave my speech a moment ago. While I was awaiting my turn, I listened to my speech being given.

I have been up here for a long while and I have opposed time after time the idea of placing any of the tough questions on a referendum. I think we are paid to be up here. It is a representative form of government. We are paid to represent our people, bite the bullet, and make the tough votes. If we start to give in on the tough votes and place it on a referendum, it will be very easy to do that with the increase of taxes, put that on a referendum; increase legislative pay scales, put that on a referendum; welfare benefits on a referendum, and on and on and on. Anything that we do not want to face head-on, we will say we will put it on a referendum. I do not think that is why we are here. I think that to do it is doing a disservice to our constituents, and that has nothing to do whatsoever with the bill that is before us, be you prochoice or prolife.

We are not paid to pass it on to the voters. We are paid to bite the bullet and vote it ourselves.

The SPEAKER. From Allegheny County, Representative Markosek is recognized.

Mr. MARKOSEK. Thank you very much, Mr. Speaker.

I also oppose this amendment. I also oppose referendums in general. I think all we have to do is look back to last spring where we saw a referendum on the ballot on tax reform. Regardless of how you felt about tax reform, the one thing that I heard loud and clear in my district is that people did not understand it. It probably had a lot to do with it being defeated. They just simply did not know; they did not understand it. That was probably a lot less complicated an issue than this abortion bill. As complicated as that was, this is even more so.

We are a representative form of government here in Pennsylvania. We are elected to come up here and vote. I think we are also the people that our constituents put their trust in to study these issues, to learn as much as we can about these issues, because they simply do not have the time to do it. They put their judgment in us. They elect us to come in here to make the judgments for them.

For that reason I would oppose this and any other amendment that would propose referendums in Pennsylvania. Thank you.

The SPEAKER. From Bucks County, Representative Clymer is recognized.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I also stand in opposition to the Gladeck amendment. If indeed we want an issue that is going to divide our communities, be divisive within the schools and churches, then this is the issue.

Mr. Speaker, as has been mentioned before, we are being paid a workable salary to come up and make these tough decisions. Obviously this is one of them. We should be making the decision, and again I ask for a "no" vote. Thank you.

The SPEAKER. On the amendment, from Allegheny County, Representative Preston is recognized.

Mr. PRESTON. Thank you, Mr. Speaker.

Like some of my colleagues who have spoken earlier, I would agree that in general, most referendum questions are bad, but then I started hearing certain statements saying that the general public does not have the ability to be able to understand.

Again here we come to a particular issue where there are two sides—and I do not know if they really come to us and ask us to play Solomon—but here someone is giving a chance, and I read all over the newspapers from all over the country, whether it is the Miami Herald, whether it is the Chronical out in San Francisco, and all these other different issues, they say that the Pennsylvania Legislature is the most prolife legislature, but all of the polls, whether it is through the New York Times, whether it is the Jacksonville Herald in Florida, which is one of the best newspapers in the country, have said that the general public, the general public, is about equal. Now, obviously someone and somehow here there is a discrepancy.

Now, I was elected to come up here to prepare a budget for the people that are back home, not to sit down and discuss primarily a moral issue of which someone has a driving force, and all we are doing is not dealing with black and white but we want to deal with a lot of gray areas, because I would think that if he was really serious to even make it yes or no, he would say that this is a matter of life or death, and if you are that serious about abortion, you would simply say that if you have an abortion, you have created a first-degree murder, but he does not, in my opinion, have the guts to submit that form of amendment.

I want to take my other 2 minutes, Mr. Speaker.

This is the type of an issue, what I am talking about, pf elitism when again I say, every poll shows that our voters back at home, in general, all over the general population of the State, are equal, but yet in a sense all the polls say that Pennsylvania has the most prolife legislature in the country.

Now, something is amiss here, and here we have a chance to let the majority of the people to be able to decide an issue, and it is not passing the buck. A lot of the people in the rural districts, you do not understand what you are going to have to pay for when things happen because of the difference in the teenage pregnancies and different things that are happening. But when we can give a chance for both sides to compete on a fair and competitive issue, I think that that is our moral obligation, not to be so cocky where we feel that the people, and I quote, do not have the ability to be able to make a qualitative and a quantitative decision. That is an insult to my people back in my district, because yes, sir, they can read. They have a right to be able to decide what they want to do and to be able to put a referendum on the ballot whether or not they want to support it up or whether or not they want to support it down.

I would ask for an affirmative vote on the Gladeck amendment.

The SPEAKER. From Berks County, Representative Gallen is recognized.

Mr. GALLEN. Thank you, Mr. Speaker.

Mr. Speaker, for some years I was chairman of the State Government Committee, and during those years there was legislation introduced which would have provided for initiative and referendum on various issues. Those bills were never considered by that committee because I did not allow them to be considered. It is my idea that this is representative government. We were elected to come here and represent the people.

Mr. Speaker, on this issue I feel that we should vote and decide whether we are going to allow babies to be killed and mutilated in the womb. I think that is our job, and let us not cop out.

The SPEAKER. From Washington County, Representative Daley is recognized on the amendment.

Mr. DALEY. Thank you, Mr. Speaker.

I listened to great oration about what the framers of our Constitution have talked about in terms of redress of grievance in referendums. John Locke and Guy de Mapassint, when they were offering the first impulses of a representative democracy throughout the world and the framers of the Federalist papers, said that there must be certain safeguards provided in the system of representative democracy that gives people a redress of grievance in a referendum in which the people can have their say in that representative democracy, that representative government.

A referendum is simply a safeguard. It is the opportunity for people to offer that safeguard, to voice their opinion. However, I think that we hear on one side that we are saying that we are pushing the issue out to the public because we feel that maybe they lack the intelligence, and I do not think that some of us that support the defeat of this amendment are saying that people are not intelligent. I think conversely there are people saying that if we do not vote on this, maybe we are not intelligent.

What I am simply saying is that the framers of our Constitution said that there are certain safeguards that must be exercised and in place. However, on every issue that we have to face, we cannot push that issue out to the people. That is not our responsibility. Our responsibility is to face the issue as we have in the past and make a stand. We are accountable. Are we going to shift that accountability to the public? No, we are not.

What I am simply saying is, I think there might be another political agenda here. Bear in mind the question that I proposed to you, and I ask for the defeat of this amendment.

The SPEAKER. From Centre County, the Chair recognizes Representative Rudy.

Mrs. RUDY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to urge my colleagues to support the Gladeck amendment, and I do not feel like I am passing the buck on this issue.

This is an amendment which prochoice and antiabortion members can and should support, because no matter how you feel about abortion, each and every one of us has constituents with feelings and beliefs on what role government should play in this decision. Is it not time that we heard from the people that we are supposed to represent? If this amendment passes, we will not have to guess anymore. We will know once and for all the true feelings of our constituents and how they really feel about abortion.

Anything that this House of Representatives passes tonight we are going to have to live with for a long, long time. So let us give our people a voice. Vote for this amendment. Thank you.

The SPEAKER. From Philadelphia, Representative Josephs is recognized.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I think some House members might be surprised at what I am about to say, because I oppose this amendment, with all due respect to its maker. I do not think we allow people, encourage people, want people to vote on constitutional rights. We have a constitutional right to our privacy. If we vote on that, what do we vote on next? Our right to free speech perhaps. It is not because we will not win. I know we would win, because we are in the majority and we are right. But the amendment - the referendum - would be nonbinding.

I draw your attention, Mr. Speaker, to the fact that in the State Government Committee, I have now a constitutional amendment to the Pennsylvania Constitution which requires a referendum. That referendum is binding. That is the referendum we ought to be voting on. The wording of my constitutional amendment is, the right of the people to reproductive privacy shall not be violated, and I challenge the members of this House to put that amendment, that constitutional amendment, out twice and send it to the people for a binding referendum, because that is how we are going to settle this issue. Thank you, Mr. Speaker.

The SPEAKER. The question is on the amendment, and on that question, from York County, Representative Bortner is recognized.

Mr. BORTNER. Thank you, Mr. Speaker.

Let me first respond to the suggestion that enactment of this referendum would be somehow divisive. I have got news for you. The people are already divided on this issue, and I think we all know that. Is it 60-40? Is it 65-35? I do not know. I think we all believe we have some idea of where our constituency is on this issue, but I do not believe anybody knows with certainty.

I agree basically with what Mr. Ryan said, and I have that position on most issues. I think that this issue is different. We require that constitutional amendments go by referendum to the people. Many people think that this act will impact on or limit constitutional rights. Whether you agree that this interferes with constitutional rights or not, I think you can certainly agree that it certainly impacts on fundamental, basic rights and it is much different than any legislation that we consider here because of the nature of which its very personal

impact affects every one of our constituents. I think there are very few issues that we take up that touch our constituents in the way that this issue will.

Let me address a couple of the questions that were raised about this specifically. Number one is the question about whether information will get out to our constituents. Is there anybody in here who believes that people will not get information from both of the advocates on this issue as to what this issue is all about?

I also take my hat off to Mr. Gladeck, who I think has very artfully and very carefully drafted a very simple statement. You do not have to read anything into it. It does not require you to interpret any language. It is very simple: "Shall the 1989 Abortion Control Act take effect?" Period; that is it; that is all.

May I continue, please, for 2 more minutes, Mr. Speaker?

I think that language is very clearly understood. It will be very easy to understand. I think the people that we represent understand what this issue is all about. I think many of them feel frustrated because they do not believe that their views are being represented, and I say that on either side.

I have to ask myself, what are the people that oppose this referendum afraid of? Why are people afraid to take this basic, fundamental question to the people of Pennsylvania and let them make a decision? I honestly do not consider this a prochoice or a prolife amendment. I think this is very simply an amendment which will help us to resolve what I think is a very, very difficult question for most of us as legislators.

I would urge you to support the Gladeck amendment and support the referendum that will once and for all let the people of Pennsylvania decide this issue. Thank you.

The SPEAKER. The question is on the amendment. On that question, from York County, Representative Foster is recognized.

Mr. FOSTER. Thank you, Mr. Speaker.

I rise to oppose the Gladeck amendment, and as I look around the Nation and see States that have a similar referenda process, that tells me exactly why we should oppose it. If you will look at States that put questions like this upon the ballot, many times contradictory questions can be placed on the ballot, and lo and behold, contradictory ballot questions have passed.

I ask you once again to consider the situation in the State of Ohio where school budgets, for example, are a matter of public referendum, and it becomes government by crisis. After the school budget fails for about the third straight time, enough parents get together and say, enough; enough; we will do the necessary.

In short, we have representative government. We are asked to come here and make decisions. We are well paid for being asked to make those decisions. So for heaven's sake, let us be willing to stand here and make those decisions. I firmly suggest that we reject the Gladeck amendment.

The SPEAKER. From Allegheny County, Representative Olasz is recognized.

Mr. OLASZ. Mr. Speaker, I rise in opposition to the Gladeck amendment and some other comments made by our legislators.

If we would play on a level playing field and have an opportunity to express our arguments, I would say yes, but here is an outstanding example of the biased, prejudiced reporting done by Pittsburgh newspapers. From the time the decision was rendered by the Supreme Court in July, our people have been inundated throughout the Commonwealth with propaganda about abortion. For example, right across the front page of Saturday morning's Post-Gazette, there are four columns there, and on page 2, another full page. Do you know how many lines the prolife member got? Three lines and one word. Is that playing on a fair field?

As certainly as those abortion mills are grinding up the unborn, you will see the special interests pour money into this, and no one will get an unbiased opinion. I defy anyone to tell me the editorials have promoted a fair side to the question. The fact of the matter is, the newspapers no longer inform the public; they are trying to form public opinion. Think about it.

The SPEAKER. From Philadelphia County, Representative Roebuck is recognized on the amendment.

Mr. ROEBUCK. Thank you, Mr. Speaker.

We have heard tonight that we have been sent here to Harrisburg to handle the tough issues and that somehow there is a problem if we put a referendum on a ballot because some people have more resources than other people, and then we are also to understand that somehow some people do not understand what the referendum question is about, and that also means you should not do that. We talk a lot about representative government, but beyond representative government, I believe we live in what is called a democracy, and in a democracy all authority is derived from the people, from nowhere else. It is from the people, and the people ought to have the right to make themselves heard very clearly on this issue.

Now, referendum is nothing that is radical; it is nothing that is new. It is something that is inherent to government. It has been there for a long time. It says simply that people have the right to express themselves on a public issue and make themselves heard in a way that everyone knows how every voter feels. It is very simple, and I can tell you, if it does not happen in a referendum, it might very well happen in an election.

So it is very clear to us, we have a choice here, and the choice is to move forward and hear what the people have to say on this issue and respect their opinion. It does not mean that you are bound by that opinion. If you have a referendum, you can still come back and choose to do this again, but it gives to every citizen in this State a simple right of saying, on this issue, this is where I stand; I want to be heard. I think all of us, as elected Representatives, ought to respect that right of each voter in this Commonwealth.

The SPEAKER. From Philadelphia County, Representative Richardson is recognized on the amendment.

Mr. RICHARDSON. Thank you very much, Mr. Speaker.

Let me first say that I rise in a very strange situation this evening, because this is probably one of the first times that I am supporting my colleague, Representative Gladeck, on any such amendment. I want to make that clear.

Mr. GLADECK. It is great to have you.

Mr. RICHARDSON. This is a strange phenomenon in the House of Representatives here in the Commonwealth of Pennsylvania, but it shows that it is democracy at work. And let me say that if there ever was a question raised on the floor of this House concerning choice, this is an opportunity for every individual who is here on the floor of this House to say for once that they are allowing their constituencies to vote in favor of their conscience.

Now, Representative Freind and those who are the proponents on the other side of this issue should not be feared at all by this referendum question. Since they are so clear in their minds that there is no other question more prevalent than this issue facing the House of Representatives than we have seen in past years, I do not know why there is a reluctance or there is a reluctance to support the referendum question, which raises this question to me: "Power concedes power only to power, and power concedes nothing without a demand. It never has, and it never will." Frederick Douglass, 1856.

What are you afraid of, Mr. Speaker? If you are sincere about the fact that there are so many people in this Commonwealth who support your position, then put the question before the people. If in fact people elect us to government and we are here because we are elected by people, then why do we not put the same question for them on the question of abortion? Is it because you know that you will lose, or is it because you will use this as an opportunity just to get over in the wake of the fact that this House of Representatives seems to be more conservative on this question than the constituents who truly should be represented by people who have a prochoice thinking?

I would like to extend my 2 minutes, Mr. Speaker. Thank you very much.

Then in that light, I would suggest that perhaps maybe all of those who see themselves in a different light say now to their constituents back home, we will put it to the referendum question. You have an opportunity to show where your real heart really is. It is not one of speculation. It is one of time of truth; that truth, across the Earth, shall rise again. There is nothing mystical about that, if you are sincere about your conviction, or is it just that we want to play games with the public here because we happen to be on national TV, or is it because we recognize the fact that out of all of the States in the east wing of this country, it seems to me that Pennsylvania winds up to be the most backward as a result of dealing with the question of prochoice? Even in Washington, the question of the referendum, in terms of where things are, has changed a number of Congresspersons who wanted to be on your side, but all of a sudden they now see the light, and now they want to be reelected to office so they have changed their position.

I suggest tonight, Mr. Speaker, that you change your vote and vote in favor of the referendum question.

The SPEAKER. The Speaker has been very patient and tolerant with members of the House and with members of the gallery. Demonstrations are not permitted either on the floor of the House or in the gallery. I would ask that members who are guests of the House please refrain from demonstrations on either side of the question.

From York County, Representative Snyder is recognized on the amendment.

Mr. G. M. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, I think the initiative and referendum process has a place. I think it is appropriate when we are talking about the kinds of taxes that should be levied and at what rate and particularly at the local level. I think it is appropriate on those kinds of issues. However, I do not believe that this is the kind of issue we are dealing with here this evening. We are dealing basically with an issue that the ultimate questions are, what is the nature of life; what is humanity; when does life begin; and how should that life be protected, if at all? I do not think those questions should be put to a popularity contest. I do not think those questions should be argued in an arena that smacks of a political campaign. I think those are fundamental questions that must be answered by our conscience and the duty that we have to serve in public office.

I oppose this amendment. I ask the members to vote against it. I also ask the members to consider that the unborn children will not have a vote on that referendum question. Thank you, Mr. Speaker.

The SPEAKER. From Lancaster County, Representative Barley is recognized.

Mr. BARLEY. Thank you, Mr. Speaker.

I rise to oppose this amendment also. It has been well stated many times earlier this evening on this issue that we, as elected Representatives, are sent here to represent and reflect the wishes of our constituents, and we have the responsibility to do that.

As it relates to the issue of a referendum, I think there is a referendum on this issue and there will be a referendum on this issue as it relates to the way we cast our votes here this evening, and that will be next year, 1990, when we are all up for reelection. The voters will have an opportunity to voice their opinions and to cast their votes, and it will be a referendum on the way we are casting our votes here and for the way that our constituents are satisfied with the representation that we are giving them.

I think in a representative form of government, as we are governed by, that is truly the way it should function, so I think we should be responsible and vote "no" on this issue before us and go on with the rest of the debate this evening.

The SPEAKER. From Westmoreland County, Representative Kukovich is recognized on the amendment.

Mr. KUKOVICH. I just have one question of interrogation for the maker of the amendment, Mr. Speaker.

Mr. Speaker, there might be some confusion on the floor of the House about the practical impact of this, but for the

purpose of legislative intent, could you explain to the House members if this is actually binding not just in the way it is written but whether it needs to be a constitutional amendment to be binding, or is it your opinion, based on your research, that it is binding as written?

Mr. GLADECK. It is binding as written. I do not believe it needs a constitutional amendment. If you would turn your attention to the amendment, the binding part of the referendum, it says, "With the exception of the amendments to section 4302 (relating to incest) the provisions of this act shall not apply to any person until a question thereon is submitted to the electors of this Commonwealth at the next municipal or general election occurring at least 60 days after the effective date of this act and a majority voting thereon vote in the affirmative. The question shall be in the following form:..." et cetera. I think that would answer your question, Mr. Speaker, as to whether or not it is binding. Thank you.

The SPEAKER. On the amendment, from Blair County, Representative Geist is recognized.

Mr. GEIST. Thank you very much, Mr. Speaker.

I rise to oppose this amendment, and I do so for other reasons than some of the other members. For instance, when Representative O'Donnell wanted the Philadelphia Convention Center so badly, if that would have appeared on a referendum statewide, do you think the people in Dick Olasz's district would have voted for that? When Representative O'Donnell and the other Philadelphia members in the suburbs were lobbying to get SEPTA (Southeastern Pennsylvania Transportation Authority) moneys and save SEPTA, if that was put on a statewide referendum, do you think it would have passed in western Pennsylvania or all over this State?

The SPEAKER. Will the gentleman suspend. Demonstrations by members of the House are equally out of order.

The gentleman may proceed.

Mr. GEIST. Mr. Speaker, one last rhetorical question: If workfare were placed on a referendum, how do you think that would have fared statewide? Would it have been voted down? I think not.

I think we should get about the business that we are here to do. Vote "no" on this amendment, and let us get on with the night.

The SPEAKER. From Philadelphia County, Representative Weston is recognized on the amendment.

Mrs. WESTON. Thank you, Mr. Speaker.

While I agree with the argument of representative democracy, I oppose the referendum amendment for further reasons. The Pennsylvania State Constitution basically provides for only two types of referendum questions, and that is on constitutional amendments and on questions of debt. We would be diverting from the history that our Constitution is based in if we were to allow a question of this type to go on our ballot. There has never been a question of this type on a statewide referendum in Pennsylvania, and I would urge every member to vote "no" on this amendment.

The SPEAKER. On the amendment, Representative O'Donnell, the majority leader, is recognized.

Mr. O'DONNELL. Thank you, Mr. Speaker.

I think the gentleman, Mr. Geist, is right. None of the items he mentioned would ever succeed in a statewide referendum, and of course, neither would economic development for Blair County, High Speed Rail, or Conrail. So let us settle that.

This debate appears to be about tough decisions. We have been making decisions here that are tough for a long time, in my case for 14 years, including on the abortion issue. A vote for this amendment does not in any way take the burden off any of us. We have already been recorded here tonight on the subject of abortion and on, specifically, this proposed abortion act. So the notion that we are trying to shift the responsibility, I do not think is a valid one.

How tough is this decision really? I think for many people, including Representative Freind, who very candidly put forward his personal philosophy, I do not think it is a very tough decision at all. The facts here are not really at issue. Human life starts as a single cell and matures into a full human being. The biological facts are not at issue. What is at issue is, at what point does the spiritual quality enter that entity in such a way that it is truly human and has all the moral and legal characteristics of a human being? If you believe that that moment is at the moment of conception, I do not think this is a tough decision for you tonight at all, because I think your conscience is absolutely clear, with the kind of clarity that only faith can give you. If, on the other hand, you believe that human life only begins at the moment of birth, then I do not think this is a tough decision tonight for you either, because you, too, have that kind of clarity.

The tough decision for us as legislators, it seems to me, is for those folks—and I number myself in this group—who are not of the view that human life begins at conception, and I am sure there are citations available to profound text to support this, but that is not my basis. My basis is, it just does not make sense to me that a single cell, despite its genetic code, equals a human being. On the other hand, from personal experience, which I think is widely shared in this chamber, it is clear to me that human life begins sometime before birth.

Those of you who, as a spouse or as a mother, have felt those stirrings inside, I think, can be pretty certain that human life begins before birth. Good. Where does that leave us? It leaves people like me in a very difficult position, because I do not have the clarity that attaches to either of those other points of view. In my view, it happens sometime in the middle, and I, frankly, am not prepared to say exactly when. It makes it a tough decision, but it also says, how do you handle an issue when you are genuinely in doubt? In this country the way we handle that kind of an issue is to give maximum freedom to those people who have to make that decision and whose lives are going to be most deeply affected by it.

We have complained here on the floor tonight about how unfair life is. I heard that theme. We have talked about how tough the decisions are that we make, and indeed, for some of us, this abortion vote is a very tough decision. But how insignificant is the toughness of that decision compared to the

decision of a woman and her family when faced with an unwanted pregnancy? I do not think that we should congratulate ourselves too fully on our ability to make tough decisions unless we are prepared to support people who are making truly tough decisions - decisions about their lives and the lives of their potential children. It is in their interest that this uncertainty must be conveyed back to them. It is in their interest, the interest of their privacy, and out of respect for the toughness of this decision as it faces individuals privately that we hand that decision, in effect, back to them, after having expressed ourselves fully, as we have tonight. But they are the ones that have to make the tough decision, and in my opinion, their lives are the ones most directly affected, and I think we should vote for this amendment and hand that decision back where it belongs.

The SPEAKER. If the Speaker must admonish the guests again, the gallery can be cleared.

Representative Gigliotti from Allegheny County is recognized.

Mr. GIGLIOTTI. Thank you, Mr. Speaker.

I rise to oppose the amendment, and I would like to explain to the members why.

This is my first term as a legislator, and I was elected to this job to vote for my constituents back home. When I came up here 10 months, 11 months ago, I talked to a lot of my colleagues and they said, Frank, you are going to be faced with some very tough issues. We went through the budget, we went through the insurance, we went through a lot of other things here, and they were all tough, but this one has got to be the toughest one that everybody in this room is going to vote on today.

I rise against this amendment, and I am asking all my colleagues to go with me. Thank you.

The SPEAKER. From Philadelphia County, Representative Thomas is recognized.

Mr. THOMAS. Thank you, Mr. Speaker.

I rise in strong support of the Gladeck amendment. I think that our majority leader provided us with a clear indication of why we need to support the Gladeck amendment. However, I would like to add an additional note to why the Gladeck amendment should be supported.

Number one, we have entertained this evening, from 1 o'clock this afternoon up until now, issues of first impression; issues that on either side of the aisle, we are not absolutely clear about. Earlier, prior to recess, we entertained a whole notion of spousal notice and what constitutes spousal notice, and we entertained the question of whether this Assembly should be in the business of determining whether or not and under what circumstances spousal notice should be provided. We are truly faced with issues that no matter how confident we feel about our representation, we do not really have the answers to. We are also, even Mr. Freind— Mr. Freind raised questions tonight about his own amendment and whether or not he is traveling down the right road. I submit that when reasonable men and women are confronted with questions of doubt, especially questions that are going to have not just an

impact on our constituencies today or tomorrow but are going to have an impact on our constituencies for years to come, I think when confronted with questions like we have been confronted with this evening, it is time for us to let the voters speak once and for all in the Commonwealth of Pennsylvania. It is time for us to be guided by the populace at large. It is our people back in our districts that hold the key to whether or not we should be—

The SPEAKER. The gentleman's time has elapsed.

Mr. THOMAS. May I have my additional 2 minutes, Mr. Speaker?

The SPEAKER. The gentleman is in order.

Mr. THOMAS. I think that we should let the voters make the final decision as to the circumstances under which this Assembly should be interfering with a woman's right to choose or how we should respond to this whole abortion issue. Be not afraid of a referendum. Referendums do not mean that you lose. If you are confident about how your constituents feel, then you have nothing to lose from a referendum. I think the referendum is the only route that can provide us with a clear indication of where people in the Commonwealth of Pennsylvania are on this issue.

To that end, I urge my colleagues on both sides of the aisle, let us do the right thing and vote for the Gladeck amendment overwhelmingly. Thank you.

The SPEAKER. From Philadelphia County, Representative Harper is recognized.

Mrs. HARPER. Thank you, Mr. Speaker.

I rise to support the Gladeck amendment, and I know why the men, the majority in this House of Representatives, do not want this question to go on the ballot, because they know that they will lose. They want to continue to tell women what they can do with their bodies, and if they give women the opportunity to speak for themselves, this amendment will pass. Thank you, Mr. Speaker.

The SPEAKER. From York County, Representative Smith is recognized.

Mr. B. SMITH. Thank you, Mr. Speaker.

I rise to support Representative Gladeck's amendment.

What is wrong with a referendum? Have any of you ever taken a survey on how your constituents feel about the abortion issue? I have. It came back prochoice. Just this year, the Senator from York County sent out a survey on the abortion question. He has already received 10,000 responses. That is why I want to call your attention to something that has not been mentioned yet but is vitally important on Mr. Gladeck's amendment.

There is a package of bills that has been offered to entice and interest more voters in the election process. We all see and are aware of the voter interest that has followed the abortion debate and the abortion question today. Can you imagine the voter interest, the voter registration, that would follow having a referendum on this question? Not only that, it would be the people speaking. We make the tough decisions, but just like on tax reform, we are not always right. Let us let the people decide whether we are right or wrong and support Representative Gladeck's amendment. Thank you, Mr. Speaker.

The SPEAKER. From Allegheny County, Representative Trello is recognized.

Mr. TRELLO. Mr. Speaker, earlier our majority leader talked about exactly how we felt about the position of when life begins, at conception or at birth. Well, I do not think anybody really knows the true answer to that, but all I know is, long before birth you can hear a heartbeat—I know; I have heard it myself with my own ear—and that is life, and long before birth you can feel something move in my wife's or the woman's stomach, and as far as I am concerned, when something moves, there is life there. So I know how I feel, and that is why I believe that life begins at conception.

As far as this referendum is concerned, I, too, have sent out fliers and newsletters to get requests, and many of them came back in my district in favor of my position. That is why I am speaking to it today. But with many of the other members that talk about us being here because we are sent to represent our districts, well, that is the way I feel, and I feel strongly about it.

I urge everybody to vote "no" on this amendment. Thank you.

The SPEAKER. On the amendment, from Delaware County, Representative Freind is recognized.

Mr. FREIND. Very briefly, Mr. Speaker, I rise to oppose this amendment.

The members who have stood here opposing this amendment have very eloquently stated that this issue goes far beyond abortion. This attacks the whole form of representative government, and in fact, if we duck the issue here, what precedent do we set down the road? If you are willing to duck one tough issue, then do we duck it on increases in welfare benefits? Do we duck it on taxes and a host of other issues? To the credit of this legislative body, time and again we have faced this and time and again we have defeated it.

I also agree with Representative Josephs but for a different reason. Her point was, on an issue of right and wrong of in fact constitutional rights, you do not put that out for a referendum. You know, had a poll been taken in 1850 down South, the odds are, that poll would have come back in favor of slavery. It would not have made it right. As a matter of fact, if George Gallup were around in 1775, he would have seen that about two-thirds of the colonists did not want to break with England, and is it not fortunate there was not a binding referendum, or we would not have this Nation.

So for the issue of precedence, for ducking what should be the form of representative democracy, and also because of the fact that you do not place an issue like this of right and wrong on the ballot, I sincerely hope that we do what we have always done and defeat this type of amendment. Thank you, Mr. Speaker.

The SPEAKER. The question is on the amendment. The gentleman from Montgomery, Mr. Gladeck, is recognized.

Mr. GLADECK. Thank you. Mr. Speaker, I will be short. The hour is late.

All of us on this floor purport to represent the people in Pennsylvania. I believe that to ignore the fact that we work

for the citizens of this Commonwealth and that they do not work for us is wrong. I think that we should offer the citizens in this State the chance to be the final check in a system of checks and balances. In a democracy, the people should be the final check. Any member who is afraid of their decision should not sit on this floor. I am not afraid of their decision, and I thank you for your consideration, and I hope that you will see fit to vote for the amendment. Thank you.

The SPEAKER. From Delaware County, Representative Wright is recognized on the amendment.

Mr. R. C. WRIGHT. Thank you, Mr. Speaker.

I rise to support the Gladeck amendment.

I have people in my district who are prochoice. I have people in my district who are prolife. I had a conversation with some prolife people, and they tended to agree with me that the answer to this particular problem will never be resolved by the State legislature. Whatever is going to happen, whatever decision a woman wishes to make regarding an abortion, is going to be her decision; I do not care what you say here. The choices may be whether it will be a legal abortion or whether it will be an illegal abortion, whether it will happen in a hospital or clinic or whether it will happen in a back room, whether it will happen in Pennsylvania or whether it will happen in another State that allows abortions, but the bottom line is, that decision is personal and it is still going to remain personal; I do not care what you pass here.

For that reason I think that the women of the Commonwealth of Pennsylvania, along with the men, ought to be given the right to make that decision and let us know how they feel about such a personal matter. Thank you.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—64

Acosta	Godshall	Marsico	Reber
Bishop	Hagarty	Mayernik	Reinard
Bortner	Harper	Merry	Richardson
Brandt	Heckler	Michlovic	Ritter
Chadwick	Howlett	Miller	Roebuck
Cohen	Hughes	Moehlmann	Rudy
Cornell	Itkin	Mrkonic	Saloom
Cowell	Jackson	Nahill	Saurman
DeWeese	James	O'Donnell	Smith, B.
Davies	Kukovich	Oliver	Thomas
Dininni	Langtry	Pesci	Trich
Evans	Lashingier	Piccola	Wambach
Fairchild	Linton	Pievsky	Williams
Fox	McVerry	Pistella	Wilson
Freeman	Maiale	Pressmann	Wright, D. R.
Gladeck	Maine	Preston	Wright, R. C.

NAYS—137

Adolph	Daley	Kenney	Rybak
Allen	Dempsey	Kondrich	Scheetz
Angstadt	Dietterick	Kosinski	Schuler
Argall	Distler	LaGrotta	Scrimenti
Barley	Dombrowski	Laughlin	Semmel
Battisto	Donatucci	Lee	Serafini
Belardi	Dorr	Leh	Smith, S. H.
Billow	Durham	Lescovitz	Snyder, D. W.
Birmelin	Fargo	Letterman	Snyder, G.
Black	Farmer	Levdansky	Staback
Blaum	Fee	Lloyd	Stairs

Bowley	Fleagle	Lucyk	Steighner
Boyes	Flick	McCall	Stish
Broujos	Foster	McHale	Strittmatter
Bunt	Freind	McNally	Stuban
Burd	Gallen	Markosek	Tangretti
Burns	Gamble	Melio	Taylor, E. Z.
Bush	Gannon	Micozzie	Taylor, F.
Caltagirone	Geist	Morris	Taylor, J.
Cappabianca	George	Mowery	Telek
Carlson	Gigliotti	Murphy	Tige
Carn	Gruitza	Nailor	Trello
Cawley	Gruppo	Noye	Van Horne
Cessar	Haluska	O'Brien	Veon
Civera	Hasay	Olasz	Vroon
Clark, B. D.	Hayden	Perzel	Wass
Clark, D. F.	Hayes	Petrarca	Weston
Clark, J. H.	Herman	Petrone	Wogan
Clymer	Hess	Phillips	Wozniak
Colaella	Jadlowiec	Pitts	Wright, J. L.
Colaizzo	Jarolin	Raymond	Yandrisevits
Cole	Johnson	Rieger	
Corrigan	Josephs	Robbins	Manderino,
Coy	Kaiser	Robinson	Speaker
DeLuca	Kasunic	Ryan	

NOT VOTING—0

EXCUSED—2

Belfanti Hershey

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

The SPEAKER. For the information of the members who are keeping score, since we returned after the evening meal, we handled four amendments and the Chair has received four reconsideration motions.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. LINTON offered the following amendments No. A3471:

Amend Title, page 1, line 6 (A3332), by inserting after "child;"

providing for adequate financial support

Amend Sec. 1, page 1, line 10 (A3332), by striking out "The" and inserting

Section 3202 and the

Amend Sec. 1, page 1, line 12 (A3332), by striking out "the section" and inserting

section 3203

Amend Sec. 1, page 1 (A3332), by inserting between lines 13 and 14

§ 3202. Legislative intent.

(a) Rights and interests.—It is the intention of the General Assembly of the Commonwealth of Pennsylvania to protect hereby the life and health of the woman subject to abortion and to protect the life and health of the child subject to abortion. It is the further intention of the General Assembly to foster the development of standards of professional conduct in a critical area of medical practice, to provide for development of statistical data and to protect the right of the minor woman voluntarily to decide to submit to abortion or to carry her child to term. The General Assembly finds as fact that the rights and interests furthered by

this chapter are not secure in the context in which abortion is presently performed.

(b) Conclusions.—Reliable and convincing evidence has compelled the General Assembly to conclude and the General Assembly does hereby solemnly declare and find that:

(1) Women may choose to seek abortions because they fear they will be unable to financially support a child until the child reaches the age of majority.

[(1)] (2) Many women now seek or are encouraged to undergo abortions without full knowledge of the development of the unborn child or of alternatives to abortion.

[(2)] (3) The gestational age at which viability of an unborn child occurs has been lowering substantially and steadily as advances in neonatal medical care continue to be made.

[(3)] (4) A significant number of late-term abortions result in live births, or in delivery of children who could survive if measures were taken to bring about breathing. Some physicians have been allowing these children to die or have been failing to induce breathing.

[(4)] (5) Because the Commonwealth places a supreme value upon protecting human life, it is necessary that those physicians which it permits to practice medicine be held to precise standards of care in cases where their actions do or may result in the death of an unborn child.

[(5)] (6) A reasonable waiting period, as contained in this chapter, is critical to the assurance that a woman elect to undergo an abortion procedure only after having the fullest opportunity to give her informed consent thereto.

(c) Construction.—In every relevant civil or criminal proceeding in which it is possible to do so without violating the Federal Constitution, the common and statutory law of Pennsylvania shall be construed so as to extend to the unborn the equal protection of the laws and to further the public policy of this Commonwealth encouraging childbirth over abortion.

(d) Right of conscience.—It is the further public policy of the Commonwealth of Pennsylvania to respect and protect the right of conscience of all persons who refuse to obtain, receive, subsidize, accept or provide abortions including those persons who are engaged in the delivery of medical services and medical care whether acting individually, corporately or in association with other persons; and to prohibit all forms of discrimination, disqualification, coercion, disability or imposition of liability or financial burden upon such persons or entities by reason of their refusing to act contrary to their conscience or conscientious convictions in refusing to obtain, receive, subsidize, accept or provide abortions.

Amend Sec. 2, page 2, line 2 (A3332), by inserting after "3208(a)"

and (a.1)

Amend Sec. 2, page 2, line 2 (A3332), by inserting after "amended"

or added

Amend Sec. 2 (Sec. 3205), page 3 (A3332), by inserting between lines 11 and 12

(iv) State cash benefits may be available for the entire household as provided for in section 3208(a.1) (relating to financial support).

Amend Sec. 2 (Sec. 3208), page 3, line 58 (A3332), by removing the period after "information" and inserting and financial support.

Amend Sec. 2 (Sec. 3208), page 4 (A3332), by inserting between lines 53 and 54

(a.1) Financial support.—Whenever a woman certifies, in writing, that she has forgone an abortion and chooses to carry her child to term and maintains custody of her child, she shall be entitled to receive cash benefits of not less than 100% of the federally established poverty level for her family size if she is eligible for

public assistance under the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code. These financial benefits shall continue until the household income exceeds the Federal poverty level or the child reaches the age of 18 or graduates from high school.

Amend Sec. 4 (Sec. 3211), page 8, line 1 (A3332), by inserting after "of"

a

On the question,

Will the House agree to the amendments?

The SPEAKER. Members are indicating that this amendment is not within the hands of members of the House. Is there information that can be given to the Speaker on that question? The Speaker is in receipt of an amendment.

It has not been distributed.

Mr. LINTON. Mr. Speaker, this amendment was drawn originally as amendment 3362.

The SPEAKER. Will the gentleman suspend. Is the gentleman offering amendment 3471?

Mr. LINTON. Yes, Mr. Speaker.

The SPEAKER. Then it must be in the hands of the members of the House. That is the rule of the House.

AMENDMENT PASSED OVER TEMPORARILY

The SPEAKER. We will go over this amendment temporarily and go to the next amendment until that has been distributed, without objection.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. HECKLER offered the following amendment No. A3364:

Amend Sec. 10, page 12, lines 10 through 15 (A3332), by striking out all of said lines and inserting

(1) Section 6 (section 4302) shall take effect in 60 days.

(2) The remaining provisions of this act shall take effect upon occurrence of the earlier of the following:

(i) Cash benefits available for eligible households under the Aid to Families with Dependent Children Program as provided for under the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, are no less than 100% of the federally established poverty level for each family size as certified by the Department of Public Welfare and published in the Pennsylvania Bulletin.

(ii) Child support enforcement collections in this Commonwealth exceed 80% as certified by the Department of Public Welfare and published in the Pennsylvania Bulletin.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the author of the amendment, from Bucks County, Representative Heckler is recognized.

Mr. HECKLER. Thank you, Mr. Speaker.

Mr. Speaker, this is a very straightforward amendment. Some of the language in the Freind bill that we are dealing with requires that a woman, prior to seeking an abortion,

receive certain information concerning the availability of public assistance and of child support from the alleged father of the child.

My amendment would simply require that this bill become effective only when two things have happened: one, that the cash benefits available under the Aid to Families with Dependent Children Program reach 100 percent of the federally established poverty level; and second, when child support enforcement collections in the Commonwealth exceed 80 percent. Right now that number is about 50 percent. Only approximately 50 percent of those women who seek support for a child or children receive that support.

Secondly, right now we are, on the one hand with this legislation, requiring women to have babies, making it more difficult, enticing them to choose to have babies, and in fact informing them that there are benefits out there for them. What we propose to pay them at this juncture is, for a household of one, \$1,980 to \$2,460 a year, which is no more than 41 percent of the Federal poverty level.

If I may, Mr. Speaker, I will just conclude briefly and take my remaining time. I do not want to belabor this.

If we, as we with our votes repeatedly, have concluded that we have the wisdom to make these choices, to intrude ourselves into this decisionmaking process and in fact determine what information is going to be provided to women in making this decision, I would urge that we not intervene in this way unless and until we are ready to follow up that promise with some help. It is a common joke that the so-called prolife movement believes that life begins at conception and ends at birth. Let us not let that be the case in the Commonwealth of Pennsylvania. Thank you.

The SPEAKER. The question is whether the Heckler amendment will be adopted. On that question, Representative Freind from Delaware County is recognized.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to strenuously oppose this amendment.

You know, time and again we do our best to assist the people of Pennsylvania, particularly those in need. We have to do it within budgetary constraints and we have to do it in a way that does not destroy the taxpayers of Pennsylvania, but we do our best.

What this amendment says is, until we reach a certain economic level with respect to AFDC or a collection enforcement, until we reach that level, it is okay to have sex selection abortions; you cannot have informed consent for women; you cannot have spousal notice for husbands; you cannot have any limitations on abortion after 24 weeks. It entirely guts the issue and guts the legislation.

I do not buy the argument from the other side that prolife only care about human beings until they are born. To be prolife is to care for the sanctity of all human life from conception until natural death and to do our very best to assist all of our people. It has never meant, however, that if one opposes the killing of unborn children, he or she of necessity must support a system of cradle-to-grave socialized welfare.

Now, it would be nice if we could reach these goals, and I am certain that we continue to work toward that goal, but to say that all of the value provisions of this legislation, which we have overwhelmingly adopted, are on hold until this happens is ludicrous.

I sincerely hope that we overwhelmingly defeat the Heckler amendment. Thank you, Mr. Speaker.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—48

Acosta	Fox	Lashinger	Preston
Bishop	Freeman	Linton	Richardson
Bortner	Gladeck	McVerry	Ritter
Bowley	Hagarty	Maine	Robinson
Brandt	Harper	Miller	Roebuck
Bunt	Heckler	Moehlmann	Saurman
Carn	Hughes	Nahill	Smith, B.
Cornell	Itkin	O'Donnell	Thomas
DeWeese	Jackson	Oliver	Wass
Davies	James	Pievsky	Williams
Dorr	Josephs	Pistella	Wilson
Evans	Kukovich	Pressmann	Wright, R. C.

NAYS—153

Adolph	Distler	Lee	Ryan
Allen	Dombrowski	Leh	Rybak
Angstadt	Donatucci	Lescovitz	Saloom
Argall	Durham	Letterman	Scheetz
Barley	Fairchild	Levdanský	Schuler
Battisto	Fargo	Lloyd	Scrimenti
Belardi	Farmer	Lucyk	Semmel
Billow	Fee	McCall	Serafini
Birmelin	Fleagle	McHale	Smith, S. H.
Black	Flick	McNally	Snyder, D. W.
Blaum	Foster	Maiale	Snyder, G.
Boyes	Freind	Markosek	Staback
Broujos	Gallen	Marsico	Stairs
Burd	Gamble	Mayernik	Steighner
Burns	Gannon	Melio	Stish
Bush	Geist	Merry	Strittmatter
Caltagirone	George	Michlovic	Stuban
Cappabianca	Gigliotti	Micozzie	Tangretti
Carlson	Godshall	Morris	Taylor, E. Z.
Cawley	Gruitza	Mowery	Taylor, F.
Cessar	Gruppo	Mrkonic	Taylor, J.
Chadwick	Haluska	Murphy	Telek
Civera	Hasay	Nailor	Tigue
Clark, B. D.	Hayden	Noye	Trello
Clark, D. F.	Hayes	O'Brien	Trich
Clark, J. H.	Herman	Olasz	Van Horne
Clymer	Hess	Perzel	Veon
Cohen	Howlett	Pesci	Vroon
Colafiglia	Jadlowiec	Petrarca	Wambach
Colaizzo	Jarolin	Petrone	Weston
Cole	Johnson	Phillips	Wogan
Corrigan	Kaiser	Piccola	Wozniak
Cowell	Kasunic	Pitts	Wright, D. R.
Coy	Kenney	Raymond	Wright, J. L.
DeLuca	Kondrich	Reber	Yandrisevits
Daley	Kosinski	Reinard	
Dempsey	LaGrotta	Rieger	
Dietterick	Langtry	Robbins	
Dininni	Laughlin	Rudy	

NOT VOTING—0

EXCUSED—2

Belfanti Hershey

The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Ms. BISHOP offered the following amendment No. A3383:

Amend Sec. 10, page 12, lines 10 through 15 (A3332), by striking out all of said lines and inserting

(1) Section 6 (section 4302) shall take effect in 60 days.

(2) The remainder of this act shall take effect when the Department of Public Welfare certifies in the Pennsylvania Bulletin that there are a sufficient number of foster homes for chemically addicted babies and babies exposed to the human immunodeficiency virus (HIV).

On the question,
Will the House agree to the amendment?

The SPEAKER. On that question, Representative Bishop from Philadelphia County is recognized.

Ms. BISHOP. Thank you, Mr. Speaker.

This amendment that I am offering, I am hoping that it is an amendment that everyone will be able to vote for, especially those who have a prochoice position.

This amendment is simply one that allows the remainder of this act to take effect when the Department of Public Welfare certifies in the Pennsylvania Bulletin that there are a sufficient number of foster homes for chemically addicted babies and babies who have been exposed to the AIDS (acquired immune deficiency syndrome) virus.

This amendment gives prochoicers an opportunity to really put your money where your mouth is. It gives you an opportunity to say, yes, I care about life. I care about the unborn crack or the unborn coke or the unborn addict baby. I care about life for every unborn AIDS baby. I care so much about life that I have already made provisions for your life after you are born.

It is a fact that most babies who are infected with AIDS from the mother's womb only live 2 years, and they live that life isolated in a hospital, in a dark room where they are only seen at the time they need care by a nurse who provides their needs and are left alone. There is never anyone to hold, to cuddle, to play, to show them how to walk or to stand, and at the end of 2 years, they expire. No foster home will take them. No one wants to adopt them. To those who say that the State provides for them already, the State does not provide a loving home for these crack-addicted, cocaine-addicted, or AIDS-infected babies.

I urge you to vote for this amendment to give them a chance to have some form of life while they live. Thank you.

The SPEAKER. The question is on the Bishop amendment. On that question, Representative Freind from Delaware County is recognized.

Mr. FREIND. Thank you, Mr. Speaker.

My opposition to this amendment is exactly my opposition to the Heckler amendment. Absolutely, I am sure we will all agree that we would like to see a situation where there are foster homes for all the chemically addicted babies and babies exposed to AIDS, and I am certain we will all continue to work toward that goal. But to say that none of this legislation takes effect until that time is to say it is okay to continue to kill unborn children for any reason and it is okay to waive all of the other provisions assisting the mothers, the husbands, and society until we reach that goal. It does not make sense.

I hope that we do with this amendment what we did with the previous amendment - strongly defeat it. Thank you, Mr. Speaker.

The SPEAKER. The question is on the amendment. On that question, from Allegheny County, Representative Preston is recognized.

Mr. PRESTON. Thank you, Mr. Speaker.

The gentleman has just simply said that this does not make any sense for us really to care about reality other than to get his point across. Basically, what he is simply saying is, I only care about one primary issue and not providing for the cost. It is the same problem that is going on as far as prisons are concerned. If we want to arrest the people, we do not want to sit down there and provide the prison space. We want to create the problem, but we are not willing to solve the issue.

I think that this has been an insult to my good colleague, because again, it is a one-sided issue as far as his point is concerned. If we want to be able to do this, prolife or prochoice, it should be our responsibility to be able to provide for the end result. If he really cares, he would support this amendment to provide for the end result of his amendment.

I would ask for an affirmative vote for the Bishop amendment.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—40

Acosta	Harper	Maine	Preston
Bishop	Heckler	Miller	Richardson
Brandt	Hughes	Moehlmann	Ritter
Carn	Itkin	Nahill	Robinson
Cornell	Jackson	O'Donnell	Roebuck
DeWeese	James	Oliver	Smith, B.
Dorr	Josephs	Petrone	Thomas
Evans	Kukovich	Pievsky	Williams
Freeman	Lashinger	Pistella	Wilson
Hagarty	Linton	Pressmann	Wright, R. C.

NAYS—160

Adolph	Dietterick	Langtry	Ryan
Allen	Dininni	Laughlin	Rybak
Angstadt	Distler	Lee	Saloom
Argall	Dombrowski	Leh	Saurman
Barley	Donatucci	Lescovitz	Scheetz
Battisto	Durham	Letterman	Schuler
Belardi	Fairchild	Levdansky	Scrimenti
Billow	Fargo	Lloyd	Semmel
Birmelin	Farmer	Lucyk	Serafini
Black	Fee	McCall	Smith, S. H.
Blaum	Fleagle	McHale	Snyder, D. W.
Bortner	Flick	McNally	Snyder, G.

Bowley	Foster	McVerry	Staback
Boyes	Fox	Maiale	Stairs
Broujos	Freind	Markosek	Steighner
Bunt	Gallen	Marsico	Stish
Burd	Gamble	Mayermik	Strittmatter
Burns	Gannon	Melio	Stuban
Bush	Geist	Merry	Tangretti
Caltagirone	George	Michlovic	Taylor, E. Z.
Cappabianca	Gigliotti	Micozzie	Taylor, F.
Carlson	Gladeck	Morris	Taylor, J.
Cawley	Godshall	Mowery	Telek
Cessar	Gruitza	Mrkonic	Tigue
Chadwick	Gruppo	Murphy	Trello
Civera	Haluska	Nailor	Trich
Clark, B. D.	Hasay	Noye	Van Horne
Clark, D. F.	Hayden	O'Brien	Veon
Clark, J. H.	Hayes	Olasz	Vroon
Clymer	Herman	Perzel	Wambach
Cohen	Hess	Pesci	Wass
Colafella	Howlett	Petrarca	Weston
Colaizzo	Jadlowiec	Phillips	Wogan
Cole	Jarolin	Piccola	Wozniak
Corrigan	Johnson	Pitts	Wright, D. R.
Cowell	Kaiser	Raymond	Wright, J. L.
Coy	Kasunic	Reber	Yandrisevits
DeLuca	Kenney	Reinard	
Daley	Kondrich	Rieger	Manderino, Speaker
Davies	Kosinski	Robbins	
Dempsey	LaGrotta		

NOT VOTING—1

Rudy

EXCUSED—2

Belfanti Hershey

The question was determined in the negative, and the amendment was not agreed to.

MOTION FOR PREVIOUS QUESTION

The SPEAKER. The gentleman from Philadelphia, Mr. Oliver, is recognized. For what purpose does the gentleman rise?

Mr. OLIVER. Thank you very much, Mr. Speaker.

Mr. Speaker, I think we have had a very extensive vote this evening so far, and therefore, Mr. Speaker, I call for the previous question.

The SPEAKER. The gentleman, Mr. Oliver, from Philadelphia has moved the previous question. The previous question, if successful, will cut off debate on all amendments and on the main question - the amendment that was offered by Mr. Freind and on the bill that is before us. All of those things will go to immediate votes.

The previous question motion takes 20 seconds. Anyone wishing to second the motion for the previous question will stand and be recognized.

MOTION WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Representative Oliver.

Mr. OLIVER. Mr. Speaker, I withdraw the motion.

The SPEAKER. The gentleman's motion for the previous question is withdrawn at this time, without objection. The Chair hears none.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

The SPEAKER. The Chair recognizes, on the question of whether the House will agree to the bill, for the introduction of amendment 3342, from Dauphin County, Representative Piccola.

Mr. PICCOLA. Mr. Speaker, that amendment is withdrawn.

The SPEAKER. Amendment 3342 is withdrawn.

Mr. PICCOLA. Maybe that will start a trend; I do not know.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Mr. LEVDANSKY offered the following amendments No. A3429:

Amend Sec. 2 (Sec. 3205), page 2, line 40 (A3332), by inserting after "woman"

, either in person or by telephone,

Amend Sec. 2 (Sec. 3204), page 2, line 55 (A3332), by inserting after "woman"

, either in person or by telephone,

On the question,
Will the House agree to the amendments?

The SPEAKER. On amendment 3429, the Chair recognizes Representative Levdansky from Allegheny County.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, in 1988 over 50,000 abortions were performed in clinics and hospitals throughout the Commonwealth. A quick review of figures would indicate that over 95 percent of those abortions occurred in clinics and hospitals in seven counties throughout the Commonwealth. What this indicates is that women in many corners of the State, in many communities in the more rural areas of the State, have got to go through significant efforts in terms of time and travel to make it to abortion clinics.

Now, under this bill that we are about to approve today, there is an informed consent provision that requires 24 hours in advance for a woman to consult with a doctor, technician, or other certified person to ascertain her rights and her options before the abortion will be performed. Given the fact that so many women must travel so far, I would argue that in many cases an economic and perhaps social hardship is going to be created by the 24-hour informed consent requirement of this legislation.

My amendment simply amends the informed consent language to make it clear that the 24-hour requirement will be met through consultation with a doctor or other individual called for in the bill and that that consultation can be performed either in person or by the telephone.

That is a very brief explanation of the amendment. I would ask for an affirmative vote.

The SPEAKER. The question is on the amendment. From Delaware County, Representative Freind is recognized on the amendment.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to oppose the amendment.

First and most practically, what the informed consent section, which we have overwhelmingly approved, says is, in addition to the doctor advising the woman of the abortion procedure to be used and the dangers of both childbirth and abortion and alternatives and in addition to an assistant or a counselor providing other information, you have to make available to the woman printed materials. We adopted an amendment by I think it was Representative Rudy in this regard to make it even clearer about those printed materials. How can you make printed materials available over the telephone? I do not think everybody these days has a fax.

If the argument is that this is an economic hardship, remember one thing: Time and again women have come to us who have had abortions and said, the first time they ever saw a doctor is when they were on the table in the stirrups. Now, you have got to remember that we are talking about a big industry - abortion clinics that are making money and doctors who are making money by performing abortions - the killing of an unborn child. I do not think it is too much to require, for a brief period, either that referring physician or the doctor performing the abortion to look at that patient and advise her of this information, and as far as the other information is concerned, to have another human being - a counselor, an assistant, a physician's assistant - to provide her this information.

The essence here is the printed materials are very important and we also think the personal contact is extremely important. When you are weighing the issue - the right of a woman to choose and have all of the information and the issue of killing an unborn child - when you put them together, we are not being onerous with the informed consent section which we have approved, which is virtually identical to that which we approved in 1982.

I sincerely hope we defeat the Levdansky amendment. Thank you.

The SPEAKER. On the amendment, does the gentleman from Allegheny, Representative Levdansky, seek additional recognition?

Mr. LEVDANSKY. Yes, Mr. Speaker.

The SPEAKER. He is in order and may proceed.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, I also want to point out that in the language that has been presently approved, it points out under the informed consent provisions of section 3205, "At least 24 hours prior to the abortion, the physician who is to perform the abortion or the referring physician has orally informed the woman of," and it goes on to list certain specifics. I would argue that "orally informed" could be broadly interpreted by the courts to include telephonic communication. I am just trying to make clear that the informed consent could be met through telephone communication.

Representative Freind is also correct in terms of the information, the brochures and other things, that are to be provided to the woman prior to her giving consent for the abor-

tion. If she feels that strongly that she wants that information, there is nothing to prohibit her from gaining that information well in advance of 24 hours. I would also like to point out that whether or not she reviews that material, according to the amendment already adopted, is entirely her choice.

Again, I would urge an affirmative vote. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—62

Acosta	Hagarty	Miller	Richardson
Bishop	Harper	Moehlmann	Ritter
Bortner	Hayden	Mowery	Robinson
Bowley	Heckler	Murphy	Roebuck
Brandt	Hughes	Nahill	Rudy
Broujos	Itkin	O'Donnell	Saurman
Carn	Jackson	Oliver	Smith, B.
Cohen	James	Petrone	Thomas
Cornell	Josephs	Piccola	Trich
Cowell	Kukovich	Pievsky	Van Horne
DeWeese	Lashingier	Pistella	Veon
Davies	Lee	Pressmann	Wambach
Dorr	Levdansky	Preston	Williams
Evans	Linton	Reber	Wilson
Freeman	McVerry	Reinard	Wright, R. C.
Gladeck	Michlovic		

NAYS—139

Adolph	Dininni	Kondrich	Ryan
Allen	Distler	Kosinski	Rybak
Angstadt	Dombrowski	LaGrotta	Saloom
Argall	Donatucci	Langtry	Scheetz
Barley	Durham	Laughlin	Schuler
Battisto	Fairchild	Leh	Scrimenti
Belardi	Fargo	Lescovitz	Semmel
Billow	Farmer	Letterman	Serafini
Birmelin	Fee	Lloyd	Smith, S. H.
Black	Fleagle	Lucyk	Snyder, D. W.
Blaum	Flick	McCall	Snyder, G.
Boyes	Foster	McHale	Staback
Bunt	Fox	McNally	Stairs
Burd	Freind	Maiale	Steighner
Burns	Gallen	Maine	Stish
Bush	Gamble	Markosek	Strittmatter
Caltagirone	Gannon	Marsico	Stuban
Cappabianca	Geist	Mayernik	Tangretti
Carlson	George	Melio	Taylor, E. Z.
Cawley	Gigliotti	Merry	Taylor, F.
Cessar	Godshall	Micozzie	Taylor, J.
Chadwick	Gruitza	Morris	Telek
Civera	Gruppo	Mrkonic	Tigue
Clark, B. D.	Haluska	Nailor	Trello
Clark, D. F.	Hasay	Noye	Vroon
Clark, J. H.	Hayes	O'Brien	Wass
Clymer	Herman	Olasz	Weston
Colaella	Hess	Perzel	Wogan
Colaizzo	Howlett	Pesci	Wozniak
Cole	Jadlowiec	Petrarca	Wright, D. R.
Corrigan	Jarolin	Phillips	Wright, J. L.
Coy	Johnson	Pitts	Yandrisevits
DeLuca	Kaiser	Raymond	
Daley	Kasunic	Rieger	Manderino,
Dempsey	Kenney	Robbins	Speaker
Dietterick			

NOT VOTING—0

EXCUSED—2

Belfanti Hershey

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. REBER offered the following amendments No. A3340:

Amend Sec. 4 (Sec. 3211), page 8, lines 3 through 11 (A3332), by striking out all of lines 3 through 10 and "(3)" in line 11 and inserting

(2)

Amend Sec. 4 (Sec. 3211), page 8, line 12 (A3332), by striking out "(4)" and inserting

(3)

Amend Sec. 4 (Sec. 3211), page 8, line 20 (A3332), by striking out "(5)" and inserting

(4)

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, from Montgomery County, Representative Reber is recognized.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, at the outset before you start the clock, I would ask that you put on the 4-minute run as opposed to the 2-minute run, because I do believe we have an amendment before us that is different than has been expressed here tonight, a different subject matter, and I would like to spend approximately 3 1/2 to 4 minutes assessing it.

The SPEAKER. The gentleman is in order.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, the amendment before us at this present time takes into consideration the language in the bill that has already been changed since its initial circulation to us by the prime sponsor from the necessity of two concurring physician opinions to one concurring physician opinion when in fact there is an abortion to be carried out after the 24-week period.

The reason I offer this amendment is solely because, as a result of the public hearings held by the House Judiciary Committee on this matter, testimony from a professional in the field came before that committee and advised us that at the time of the hearing there are at least 27 counties in the Commonwealth of Pennsylvania that would not be in a position to even provide the necessary concurring opinions because of lack of professionally licensed doctors with the specialization as an OB-GYN to handle this particular task. More importantly, in eight counties in the Commonwealth of Pennsylvania, there are no doctors whatsoever who could even begin to render such a concurring opinion at all.

Mr. Speaker, we have heard the prime sponsor speak about the Webster test, the Webster test being a rational basis test. I would submit for the record and for part of legislative intent that there is no rational basis for the imposition into a State statute of factual requirements that cannot in fact pragmatically or factually be carried out in approximately 42 percent of the counties of the Commonwealth of Pennsylvania.

More importantly, Mr. Speaker, I would submit that the prime sponsor has said that there is a need for this concurring opinion because there is conflict or the potential of conflict between the unborn child as well as the pregnant woman. I would submit that we are talking about situations where a second physician is already under law required to be present to handle that particular premature delivery that could take place under current law in the Commonwealth of Pennsylvania. I would submit that that argument has no bearing in this particular debate.

Additionally, Mr. Speaker, I think it is unfortunate that we should require a pregnant woman, who is undergoing this procedure because of death threats or substantial and irreversible impairment of her bodily functions, to require something that is not required of any other procedure, operative procedure, in the Commonwealth of Pennsylvania. Just think how the Governor of this Commonwealth, when he had to undergo a life-threatening heart surgery situation, would have been feeling if he had to go out and get concurring opinions in writing. He did not have to do it. I would submit that a pregnant woman should not have to also seek out a concurring opinion.

Additionally, we are talking about a death and/or—the new language—substantial and irreversible impairment situation. We may not have time to find that particular person. Well, the sponsor is going to say that there is emergency language. I would submit that if I am a doctor, with malpractice rates the way they are in the Commonwealth of Pennsylvania, I am going to look for that second concurring opinion before I am the doctor that is performing the operation.

In short, Mr. Speaker, I think we have a situation where we already license physicians; we already have qualified individuals licensed to practice in this area. Let us let that particular person, in conjunction with that particular doctor's patient, make that determination as heretofore. We have the protection of the second physician having to be on hand in the event that there is in fact a premature delivery with a viable child. We have all bases covered.

The sponsor has already backtracked on this one. I think he was beginning to recognize the aspect that this would not be a rational basis for legislative enactment.

REMARKS SUBMITTED FOR THE RECORD

Mr. REBER. I would submit, Mr. Speaker—and I submit for the record the testimony of Dr. Dratman, who testified before the House Judiciary Committee—documentation of what I have hereby said. May I submit this for the record?

The SPEAKER. The gentleman's remarks, the text that the gentleman has, can be submitted for the record. You are in order.

(For remarks, see Appendix.)

The SPEAKER. The question is on the Reber amendment 3340. On that question, from Delaware County, Representative Freind is recognized.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to oppose the amendment.

You know, it is interesting. You cannot win. If in fact your feet are carved in cement and you do not move, you are dogmatic and doctrinaire. If in fact you listen to concerns and respond, then you are backtracking.

We in fact made an accommodation where we said, instead of two concurring opinions, just one. We thought that was appropriate. Now, look at the safeguards. Number one, in the case of a medical emergency, all of that is waived, but number two, when you are talking about the fact that you cannot get a second doctor, remember this: We are talking about abortions after 24 weeks, and except in the most severe emergency when everything is waived, that is going to be performed in a hospital. The clinics have testified they do not do them at 24 weeks, so you do not have a problem with a second physician.

And I repeat, to use the example of Governor Casey, he did not have a conflict between his heart and the rest of his body. This is unique. The killing of an unborn child through abortion is unique. It is the only area where a doctor has a potential conflict between two patients - the unborn baby and the mother. Because of the exceptions we have in there, because of the safeguards we have in there, and because of the accommodation we have already made - going from two concurring physicians to one - I think we have outstanding legislation which we have already approved.

I sincerely hope that we defeat this amendment. Thank you, Mr. Speaker.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—60

Acosta	Freeman	Maine	Reber
Bishop	Gladeck	Merry	Reinard
Bortner	Godshall	Michlovic	Richardson
Bowley	Hagarty	Miller	Ritter
Brandt	Harper	Mochlmann	Rudy
Broujos	Hayden	Mowery	Saurman
Carn	Heckler	Murphy	Smith, B.
Cornell	Hughes	Nahill	Thomas
Cowell	Itkin	O'Donnell	Trich
DeWeese	Josephs	Oliver	Van Horne
Davies	Kukovich	Piccola	Veon
Dorr	Lashinger	Pievsky	Wambach
Evans	Linton	Pistella	Williams
Fargo	McVerry	Pressmann	Wilson
Fox	Maiale	Preston	Wright, R. C.

NAYS—139

Adolph	Dietterick	Kosinski	Ryan
Allen	Dininni	LaGrotta	Rybak
Angstadt	Distler	Langtry	Saloom
Argall	Dombrowski	Laughlin	Scheetz
Barley	Donatucci	Lee	Schuler
Battisto	Durham	Leh	Scrimenti
Belardi	Fairchild	Lescovitz	Semmel
Billow	Farmer	Letterman	Serafini
Birmelin	Fee	Levdansky	Smith, S. H.
Black	Fleagle	Lloyd	Snyder, D. W.
Blaum	Flick	Lucyk	Snyder, G.
Boyes	Foster	McCall	Staback
Bunt	Freind	McHale	Stairs
Burd	Gallen	McNally	Steighner
Burns	Gamble	Markosek	Stish

Bush	Gannon	Marsico	Strittmatter
Caltagirone	Geist	Mayernik	Stuban
Cappabianca	George	Melio	Tangretti
Carlson	Gigliotti	Micozzie	Taylor, E. Z.
Cawley	Gruitza	Morris	Taylor, F.
Cessar	Gruppo	Mrkonic	Taylor, J.
Chadwick	Haluska	Nailor	Telek
Civera	Hasay	Noye	Tigue
Clark, B. D.	Hayes	O'Brien	Trello
Clark, D. F.	Herman	Olasz	Vroon
Clark, J. H.	Hess	Perzel	Wass
Clymer	Howlett	Pesci	Weston
Cohen	Jackson	Petrarca	Wogan
Colaella	Jadlowiec	Petrone	Wozniak
Colaizzo	Jarolin	Phillips	Wright, D. R.
Cole	Johnson	Pitts	Wright, J. L.
Corrigan	Kaiser	Raymond	Yandrisevits
Coy	Kasunic	Rieger	
DeLuca	Kenney	Robbins	Manderino,
Daley	Kondrich	Robinson	Speaker
Dempsey			

NOT VOTING—2

James Roebuck

EXCUSED—2

Belfanti Hershey

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Ms. RITTER offered the following amendment No. A3453:

Amend Sec. 4 (Sec. 3211), page 7, lines 39 through 43 (A3332), by striking out "No abortion shall be deemed authorized under this" in line 39 and all of lines 40 through 43 and inserting

A woman's threat of suicide would not meet the requirements of this section unless:

(i) a psychiatrist or psychologist has certified, in writing, that the psychiatrist or psychologist reasonably believes that the mental health of the woman has been impaired to the point where that woman might attempt to commit suicide; or

(ii) that woman has, in fact, attempted to commit suicide.

On the question,

Will the House agree to the amendment?

The SPEAKER. On amendment 3453, the Chair recognizes the author, from Lehigh County, Representative Ritter.

Ms. RITTER. Thank you, Mr. Speaker.

This amendment is again drawn to the section on abortions after 24 weeks dealing with the suicide issue. We are striking the language that is currently in the bill regarding the suicide language and we are substituting that a woman's threat of suicide would not meet the requirements of the section unless a psychiatrist or psychologist has certified in writing that that professional reasonably believes that the mental health of the woman has been impaired to the point where that woman might attempt to commit suicide or that the woman has in fact attempted to commit suicide. So we are making clear that we are not punishing women who have already tried to kill themselves or who have been diagnosed by a professional who certifies in writing that they may attempt to commit suicide.

So we are not talking now about a woman who walks into the doctor's office and says, I am going to kill myself if I have to have this child. We are talking about women who have been diagnosed or who have in fact attempted to commit suicide, and we would like to make it clear that they are protected in terms of being allowed to make the decision about abortion in those events to protect their lives.

I would ask for an affirmative vote.

The SPEAKER. The question is on the amendment offered. Representative Freind from Delaware County is recognized.

Mr. FREIND. Thank you, Mr. Speaker.

I think the language we have right now is outstanding. In some respects I cannot believe this amendment, because a physician or psychiatrist would certify that because a woman might be suicidal—and we are talking about after 24 weeks—it is okay to have her unborn baby killed.

Now, remember what we said at the beginning. We are talking about abortion, an inherently violent act - the killing of an unborn baby. If there is diagnosis that a woman is suicidal, she needs help, and help is not killing her unborn baby. She needs assistance. The killing of her unborn baby does not provide that assistance. The killing of her 6-month-or-older unborn baby does not provide that assistance. That is not compassionate; that is not caring about women; that is not providing to the mother the help that she needs.

This is not an amendment that is compassionate, both for the unborn baby who will be killed but particularly for the mother. I sincerely hope that we reject it. Thank you, Mr. Speaker.

The SPEAKER. The question is on the amendment. On that question, from Lehigh County, Representative Ritter is recognized.

Ms. RITTER. Again, we are not talking about killing the unborn child. We are talking about an early delivery to prevent this woman from committing suicide. Now, I would suggest to you that if this woman in fact commits suicide, she has killed not only herself but her unborn child, and what we are trying to do is prevent that from happening by allowing the physician to deliver this child early. We are not talking about killing; we are not talking about saline abortions. Again, we are talking about—because the provisions are still there—we are talking about induced delivery or C-section and allowing the physician to make that judgment, and I would ask again for an affirmative vote.

The SPEAKER. From Bucks County, Representative Clymer is recognized on the amendment.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I am confused about this amendment as well, because in the testimony that I have heard of young women who are suicidal, it was after they had the abortion that they thought about what they had done and became very upset and had symptoms of being suicidal. So this is very confusing.

All I can say is that I am going to vote against the amendment.

The SPEAKER. On the amendment, Representative Freind from Delaware County is recognized for the second time.

Mr. FREIND. One other issue that has to be made clear: If we are talking about a, quote, "early delivery," we are not talking about an abortion. If in fact the determination is made that the woman is in such a stage of her pregnancy that there is at least a 50-50-percent chance for survival for the unborn baby, then the definition of "abortion" no longer applies and the whole section is irrelevant anyway. This only deals with respect to an abortion, the killing of an unborn baby. So that argument by Representative Ritter absolutely does not apply.

Once again, I urge defeat of the Ritter amendment.

The SPEAKER. From Berks County, Representative Leh is recognized.

Mr. LEH. Mr. Speaker, very briefly speaking on the amendment.

Suicide is a psychological problem, and no psychological problem has ever been cured by an abortion. Thank you, Mr. Speaker.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—49

Acosta	Gladeck	Merry	Richardson
Bishop	Hagarty	Michlovic	Ritter
Bortner	Harper	Murphy	Robinson
Bowley	Heckler	Nahill	Roebuck
Broujos	Hughes	O'Donnell	Rudy
Carn	Itkin	Oliver	Saurman
Cohen	James	Pievsy	Scheetz
Cornell	Josephs	Pistella	Smith, B.
Cowell	Kukovich	Pressmann	Thomas
DeWeese	Lashingier	Preston	Williams
Davies	Linton	Reber	Wilson
Dorr	Maine	Reinard	Wright, R. C.
Evans			

NAYS—151

Adolph	Dombrowski	Langtry	Ryan
Allen	Donatucci	Laughlin	Rybak
Angstadt	Durham	Lee	Saloom
Argall	Fairchild	Leh	Schuler
Barley	Fargo	Lescovitz	Scrimanti
Battisto	Farmer	Letterman	Semmel
Belardi	Fee	Levdanskyy	Serafini
Billow	Fleagle	Lloyd	Smith, S. H.
Birmelin	Flick	Lucyk	Snyder, D. W.
Black	Foster	McCall	Snyder, G.
Blaum	Fox	McHale	Staback
Boyes	Freind	McNally	Stairs
Brandt	Gallen	McVerry	Steighner
Bunt	Gamble	Maiale	Stish
Burd	Gannon	Markosek	Strittmatter
Burns	Geist	Marsico	Stuban
Bush	George	Mayernik	Tangretti
Caltagirone	Gigliotti	Melio	Taylor, E. Z.
Cappabianca	Godshall	Micozzie	Taylor, F.
Carlson	Gruitza	Miller	Taylor, J.
Cawley	Gruppo	Moehlmann	Telek
Cessar	Haluska	Morris	Tigue
Chadwick	Hasay	Mowery	Trello
Civera	Hayden	Mrkonic	Trich
Clark, B. D.	Hayes	Nailor	Van Horne
Clark, D. F.	Herman	Noye	Veon
Clark, J. H.	Hess	O'Brien	Vroon
Clymer	Howlett	Olasz	Wambach
Colafella	Jackson	Perzel	Wass

Colaizzo	Jadlowiec	Pesci	Weston
Cole	Jarolin	Petrarca	Wogan
Corrigan	Johnson	Petrone	Wozniak
Coy	Kaiser	Phillips	Wright, D. R.
DeLuca	Kasunic	Piccola	Wright, J. L.
Daley	Kenney	Pitts	Yandrisevits
Dempsey	Kondrich	Raymond	
Dietterick	Kosinski	Rieger	Manderino,
Dininni	LaGrotta	Robbins	Speaker
Distler			

NOT VOTING—1

Freeman

EXCUSED—2

Belfanti

Hershey

The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Ms. RITTER offered the following amendments No. A3451:

Amend Title, page 1, lines 2 through 7 (A3332), by striking out all of said lines and inserting providing for a woman's right to choose abortion without governmental interference; protecting the right to use birth control; requiring informed consent for abortion; encouraging involvement of parents whose minor children seek abortions; authorizing regulations;

Amend Title, page 1, line 2, by removing the period after "incest" and inserting ; and making repeals.

Amend Bill, page 1, lines 10 through 40; pages 2 through 10, lines 1 through 59; page 11, lines 1 through 56; page 12, lines 1 through 15 (A3332), by striking out all of said lines on said pages and inserting

Section 1. Sections 3202, 3203, 3204, 3205, 3206, 3207, 3208, 3210, 3211, 3213(e) and (f), 3214, 3215 and 3217 of Title 18 of the Pennsylvania Consolidated Statutes are repealed.

Section 2. Title 18 is amended by adding a chapter to read:

CHAPTER 32-A
REPRODUCTIVE PRIVACY

Sec.

- 3201-A. Short title of chapter.
- 3202-A. Declaration of public policy.
- 3203-A. Definitions.
- 3204-A. Interference with reproductive choice prohibited.
- 3205-A. Informed consent.
- 3206-A. Parental notification.
- 3207-A. Medical regulation of abortion.
- § 3201-A. Short title.

This chapter shall be known and may be cited as the Reproductive Privacy Act.

§ 3202-A. Declaration of public policy.

The General Assembly finds and hereby declares that an individual decision to commence, prevent, continue or terminate a pregnancy is a matter of profound personal choice. It is the public policy of this Commonwealth to prevent governmental interference with the rights of all persons to use birth control and the rights of all women to choose childbirth or to obtain a safe and legal abortion, as delineated in this act.

§ 3203-A. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Abortion regulations that are medically necessary to protect the life or health of the woman.” Any regulation pertaining to abortion that:

- (1) Is designed to protect the life or health of the woman.
- (2) Constitutes the least restrictive means of furthering the Commonwealth’s interest in the woman’s life or health.
- (3) Is consistent with established medical practice.
- (4) Does not delay, increase the cost of, or limit the availability of an abortion.

“Commonwealth.” The Commonwealth of Pennsylvania, or any agency, instrumentality, court or political subdivision of the Commonwealth.

“Department.” The Department of Health of the Commonwealth.

“Discriminate.” Engage in any activity, whether intentional or unintentional, that creates a disparate treatment or adverse impact.

“Interfere with.” The term includes, but is not limited to: restrict, infringe, prevent, impede, discriminate against, prohibit, limit, penalize or burden.

“Medically appropriate.” Generally recognized as medically safe and effective or recommended by a physician in the good faith exercise of his best professional judgment, as regulated by generally accepted standards, the licensing of medical facilities, or the prescription of drugs or medical devices.

“Minor woman.” An unemancipated woman under 18 years of age.

“Parent.” The term includes either a biological parent, adoptive parent, legal guardian or a minor or other person appointed by a court to act in loco parentis.

“Pregnancy.” The reproductive process beginning with the implantation of a fertilized ovum in the uterus.

“Viability.” The point at which, in the professional judgment of the woman’s physician, based upon the particular facts of the case before him, there is a reasonable likelihood of sustained survival of the fetus outside the woman’s uterus, with or without artificial aid.

§ 3204-A. Interference with reproductive choice prohibited.

(a) Freedom to choose.—The Commonwealth shall not interfere with a woman’s personal choice to commence, prevent or continue a pregnancy or have an abortion prior to the point of viability or at any time if the abortion is necessary to preserve maternal life or health.

(b) Freedom to follow medical advice.—The Commonwealth shall not interfere with the use of medically appropriate methods of contraception or abortion or the manner in which medically appropriate methods of contraception or abortion are provided.

§ 3205-A. Informed consent.

(a) Requirement.—Prior to the performance of an abortion, the physician or his designated agent shall inform the woman of those risks and benefits of and alternatives to abortion that are material to her decision to choose or refuse the procedure, and the woman shall certify in writing that she has been provided this information.

(b) Liability.—No physician shall be liable for failure to obtain informed consent if, in the good faith exercise of his best professional judgment, the physician determines that an emergency exists which prevents him from obtaining the woman’s informed consent.

§ 3206-A. Parental notification.

(a) Adoption of written policy.—Each physician who performs an abortion shall adopt a written policy regarding the notification of at least one parent of any minor woman seeking an abortion and shall give a copy of this policy to her.

(b) Provisions of policy.—The policy required in subsection (a) shall require that the physician or his designated agent recom-

mend that a minor woman consult at least one parent regarding her abortion; however, if, in the good faith exercise of his best professional judgment, the physician finds there is a valid reason for the minor woman not to notify at least one parent, the physician or his designated agent shall recommend that the minor woman consult another family member, close family friend, school counselor, religious advisor, social worker or other appropriate adult.

§ 3207-A. Medical regulation of abortion.

The department is authorized to promulgate abortion regulations that are medically necessary to protect the life or health of the woman.

Section 3. All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 4. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the lady from Lehigh, Representative Ritter.

Ms. RITTER. Thank you, Mr. Speaker.

This amendment is very simple - a technical change, as Mr. Freind would say. It deletes all of the language contained in the bill and substitutes the language from the Reproductive Privacy Act, which is also HB 1874, and I would ask for your support.

The SPEAKER. The question is on the amendment of Representative Ritter. Representative Freind from Delaware County is recognized.

Mr. FREIND. Thank you, Mr. Speaker.

Obviously, I oppose. Representative Ritter was straightforward. It entirely guts our bill and gives absolute, blank-check, unrestricted abortion on demand at any time for any reason. I sincerely hope we overwhelmingly defeat it. Thank you, Mr. Speaker.

The SPEAKER. The question is on the amendment. On that question, Representative Ritter from Lehigh County is recognized.

Ms. RITTER. Again, if you are listening to Representative Freind, you are being lied to. The Reproductive Privacy Act is not abortion on demand for any reason at any time. It provides restrictions after viability. So let us be clear about our terms. We are talking about a woman’s right to make a choice up to the point of viability, and after viability, there are restrictions to preserve maternal life or health.

I would again ask for an affirmative vote.

The SPEAKER. The question is on the amendment. On that question, from Berks County, Representative Gallen is recognized.

Mr. GALLEN. Mr. Speaker, either the maker of this amendment has lost touch with reality or she is being extremely frivolous. I do not think she can see what is happening here. She is wasting our time offering silly amendments like this. Let us get on with the business of the House.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—54

Acosta	Freeman	Maine	Reinard
Bishop	Gladeck	Merry	Richardson
Bortner	Hagarty	Michlovic	Ritter
Bowley	Harper	Moehlmann	Robinson
Brandt	Hayden	Nahill	Roebuck
Broujos	Heckler	O'Donnell	Rudy
Carn	Hughes	Oliver	Saurman
Cornell	Itkin	Piccola	Smith, B.
Cowell	Jackson	Pievsky	Thomas
DeWeese	James	Pistella	Wambach
Davies	Josephs	Pressmann	Williams
Dorr	Kukovich	Preston	Wilson
Evans	Lashingner	Reber	Wright, R. C.
Fox	Linton		

NAYS—146

Adolph	Dininni	Langtry	Ryan
Allen	Distler	Laughlin	Rybak
Angstadt	Dombrowski	Lee	Saloom
Argall	Donatucci	Leh	Scheetz
Barley	Durham	Lescovitz	Schuler
Battisto	Fairchild	Letterman	Scrimenti
Belardi	Fargo	Levdansky	Semmel
Billow	Farmer	Lloyd	Serafini
Birmelin	Fee	Lucyk	Smith, S. H.
Black	Fleagle	McCall	Snyder, D. W.
Blaum	Flick	McHale	Snyder, G.
Boyes	Foster	McNally	Staback
Bunt	Freind	McVerry	Stairs
Burd	Gallen	Maiiale	Steighner
Burns	Gamble	Markosek	Stish
Bush	Gannon	Marsico	Strittmatter
Caltagirone	Geist	Mayernik	Stuban
Cappabianca	George	Melio	Tangretti
Carlson	Gigliotti	Micozzie	Taylor, E. Z.
Cawley	Godshall	Miller	Taylor, F.
Cessar	Gruitza	Morris	Taylor, J.
Chadwick	Gruppo	Mowery	Telek
Civera	Haluska	Mrkonic	Tigue
Clark, B. D.	Hasay	Murphy	Trello
Clark, D. F.	Hayes	Nailor	Van Horne
Clark, J. H.	Herman	Noye	Veon
Clymer	Hess	O'Brien	Vroon
Cohen	Howlett	Olasz	Wass
Colafiglia	Jadlowiec	Perzel	Weston
Colaizzo	Jarolin	Pesci	Wogan
Cole	Johnson	Petrarca	Wozniak
Corrigan	Kaiser	Petrone	Wright, D. R.
Coy	Kasunic	Phillips	Wright, J. L.
DeLuca	Kenney	Pitts	Yandrisevits
Daley	Kondrich	Raymond	
Dempsey	Kosinski	Rieger	Manderino,
Dietterick	LaGrotta	Robbins	Speaker

NOT VOTING—1

Trich

EXCUSED—2

Belfanti Hershey

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

The SPEAKER. The information that the Speaker has is that Representative Pitts is withdrawing the amendment we had him listed for. Is that correct? The Chair thanks the gentleman.

For amendment 3370, Representative Heckler is withdrawing.

Amendment 3387 - Representative Piccola is withdrawing the same.

Who else would like to withdraw? I will take any number. Here is your chance.

Representative Pitts, amendment 3403, withdrawn.
Representative Heckler, amendments 3370 and 3361, withdrawn.

Representative Piccola, amendment 3387, withdrawn.
Representative Chadwick, 3420, withdrawn.
Representative Hagarty, amendment 3339, withdrawn.
Representative Kukovich, 3359, withdrawn.
Representative Piccola, 3349, withdrawn.
Representative Preston, 3357, withdrawn.
Representative Josephs, 3380, withdrawn.
Representative Josephs, 3366, withdrawn.
Representative Piccola, 3452, withdrawn.
Representative Linton, 3439, withdrawn.
Representative Ritter, 3413, withdrawn; 3451, withdrawn; 3453, withdrawn.
Representative Josephs, 3450, withdrawn.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Mr. D. W. SNYDER offered the following amendments No. A3463:

Amend Sec. 1 (Sec. 3203), page 1, line 19 (A3332), by striking out "" and "conception"

Amend Sec. 1 (Sec. 3203), page 1, line 19 (A3332), by striking out the bracket before "The"

Amend Sec. 1 (Sec. 3203), page 1, line 23 (A3332), by inserting an underscored period after "begins"

Amend Sec. 1 (Sec. 3203), page 1, line 23 (A3332), by inserting a bracket before "and" where it appears the second time

Amend Sec. 1 (Sec. 3203), page 1, lines 24 and 25 (A3332), by striking out "Each term shall mean the fusion of a human" in line 24 and all of line 25

Amend Sec. 1 (Sec. 3203), page 1, line 34 (A3332), by inserting brackets before and after "fertilization" and inserting immediately thereafter

implantation

Amend Sec. 1 (Sec. 3203), page 1, line 39 (A3332), by striking out "fertilization" and inserting

implantation

On the question,
Will the House agree to the amendments?

The SPEAKER. The Chair recognizes Representative Snyder from Lehigh County.

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, I know what the outcome will probably be, but I think this is a fundamental question that has to at least go on the record.

The majority leader spoke about an hour and a half ago about when does life begin and the problem that we have of theoretically defining that. This bill makes that decision for the Commonwealth of Pennsylvania by saying that life begins as an unborn child at the time of fertilization, which is at the time of the contact of the sperm and the ovum.

Mr. Speaker, I think that this has many implications that were pointed out in the Webster case in which this very language that we are now changing the definition of was placed in the preamble of the Missouri law. The Supreme Court noted various concerns about that language but was able to avoid the issue because it was in the preamble rather than in the body of the statute itself. The intent of the sponsor of this legislation is to test the Supreme Court, and what they are doing is taking this issue and making it one of those tests.

Mr. Speaker, this definition would define "pregnancy" and "fertilization" differently than what the maker of the act presently requires. Presently, Mr. Speaker, if this act goes into effect, it would basically prohibit in vitro fertilization in the sense that the joinder of the sperm and the ovum in the petri dish would constitute an unborn child under this law, and under the Abortion Control Act as it presently is in Pennsylvania already, the unborn child will be entitled to the same laws that any other person is entitled to in Pennsylvania. Mr. Speaker, that is giving rights to the fertilized egg in the petri dish.

I will hold for the end.

The SPEAKER. The question is on the amendment. On that question, Representative Freind from Delaware County is recognized.

Mr. FREIND. Mr. Speaker, I strongly oppose this amendment. Every abortion bill we have ever had in the definition of an unborn baby says life begins at conception.

Now, we are not alone on this. At least seven current medical dictionaries equate these terms, "life beginning at conception"; "fertilization of the ovum by the spermatozoon" - Blakiston's, Taber's, Mosby's, Butterworth's Medical Dictionary, and a host of others.

Nothing that we have done in our legislation in any way impinges upon in vitro fertilization. In fact, present law specifically says that it is legal. The only thing we require is reporting on the in vitro fertilization. But this comes down to a fundamental issue which we have always stood for before - normally, that when that sperm is united with the egg and that single human cell is created, that is when life begins. I hope that we always adhere to that, and because of that, I hope we defeat the Snyder amendment. Thank you, Mr. Speaker.

The SPEAKER. The question is on the Snyder amendment, and on that question, Representative Josephs from Philadelphia is recognized.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I also did a little bit of medical research, and I also looked at the present definition in our present statute, which the maker of this amendment seeks to change. In our present statute we use the words "mitosis," "differentiation," and "development." I believe the present statute talks about conception as a process, and when I look in my medical text, I see that it is a process that can last for up to a week. Conception and fertilization, according to this medical testimony and according to what we have in the bill, is a process. It is not an instantaneous act.

The maker of the amendment has caught something very subtle. He has seen that this is another subtle attack on the use of various contraceptive methods and devices which work during the week that fertilization, mitosis, differentiation, and development - all words that are in our underlying act - are taking place.

I think that a vote against this amendment is a vote against contraceptive devices and methods that are commonly used by many, many of our constituents.

If I am running to the end, I would like to go ahead with my other 2 minutes, please.

The SPEAKER. The lady has used her first 2 minutes; is in order to continue for an additional 2 minutes.

Ms. JOSEPHS. Again I will tell you that doctors generally advise their patients when they give them certain contraceptive pills that if they miss or if they forget to take their pill on Monday or Tuesday, they should take a double dose on Wednesday and Thursday, and they will be protected from pregnancy. If we believe legally that conception and fertilization happen in one instant, you are putting yourself in the position of making contraceptive pills and perhaps the intrauterine device illegal for your constituents, and your constituents will know that. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

From York County, Representative Foster is recognized on the question of whether the House will adopt the amendment.

Mr. FOSTER. Thank you, Mr. Speaker.

I have listened for years to this debate on when a child is not a child and when a life is not a life, when indeed life begins, and I have to ask myself a question: If there is anyone out there that can conceive and bring forth anything but a child, I will debate the issue no longer. I will steal away into the night.

I ask for a negative vote on this amendment.

The SPEAKER. The question is on the amendment. On that question, from Lehigh County, Representative Snyder is recognized.

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, this is probably the most important issue of the bill. While I am going to try to develop a decent argument, 2 minutes is next to impossible.

No one is disputing that life is in the fertilized egg and that the life process begins with the sperm and the egg joining together. But, Mr. Speaker, medically speaking, 20 to 30 percent of the fertilized eggs never make it to implantation. Is that the death of an unborn child?

Mr. Speaker, in *Roe v. Wade* the court recognized this distinction. I would just like to read briefly from the opinion. "We held in *Griswold* that the States may not preclude spouses from attempting to avoid the joinder of sperm and egg." That opinion is dealing with the contraception issue, which raises some questions about this legislation. The court goes on, "If this is true, it is difficult to perceive any overriding public necessity which might attach precisely at the moment of conception. As Mr. Justice Clark has said:

'To say that life is present at conception is to give recognition to the potential, rather than the actual. The unfertilized egg has life, and if fertilized, it takes on human proportions. But the law'—"

again which is what we are dealing with—

“But the law deals in reality, not obscurity—the known rather than the unknown. When sperm meets egg life may eventually form, but quite often it does not. The law does not deal in speculation. The phenomenon of life takes time to develop, and until it is actually present, it cannot be destroyed.”

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—59

Acosta	Harper	Michlovic	Roebuck
Bishop	Hayden	Miller	Rudy
Bortner	Heckler	Moehlmann	Saurman
Bowley	Hughes	Nahill	Semmel
Brandt	Itkin	O'Donnell	Smith, B.
Broujos	Jackson	Oliver	Snyder, D. W.
Carn	James	Piccola	Thomas
Cornell	Josephs	Pievsy	Trich
Cowell	Kukovich	Pistella	Van Horne
DeWeese	Lashingner	Pressmann	Veon
Dorr	Lee	Preston	Wambach
Evans	Levdansky	Reinard	Williams
Freeman	Linton	Richardson	Wilson
Gladeck	Maine	Ritter	Wright, R. C.
Hagarty	Merry	Robinson	

NAYS—139

Adolph	Dempsey	Kasunic	Rieger
Allen	Dietterick	Kenney	Robbins
Angstadt	Dininni	Kondrich	Ryan
Argall	Distler	Kosinski	Rybak
Barley	Dombrowski	LaGrotta	Saloom
Battisto	Donatucci	Langtry	Scheetz
Belardi	Durham	Laughlin	Schuler
Billow	Fairchild	Leh	Scrimenti
Birmelin	Fargo	Lescovitz	Serafini
Black	Farmer	Letterman	Smith, S. H.
Blaum	Fee	Lloyd	Snyder, G.
Boyes	Fleagle	Lucyk	Staback
Bunt	Flick	McCall	Stairs
Burd	Foster	McHale	Steighner
Burns	Fox	McNally	Stish
Bush	Freind	Markosek	Strittmatter
Caltagirone	Gallen	Marsico	Stuban
Cappabianca	Gamble	Mayernik	Tangretti
Carlson	Gannon	Melio	Taylor, E. Z.
Cawley	Geist	Micozzie	Taylor, F.
Cessar	George	Morris	Taylor, J.
Chadwick	Gigliotti	Mowery	Telek
Civera	Godshall	Mrkonic	Tigue
Clark, B. D.	Gruitza	Murphy	Trello
Clark, D. F.	Gruppo	Nailor	Vroon
Clark, J. H.	Haluska	Noye	Wass
Clymer	Hasay	O'Brien	Weston
Cohen	Hayes	Olasz	Wogan
Colafiglia	Herman	Perzel	Wozniak
Colaizzo	Hess	Pesci	Wright, D. R.
Cole	Howlett	Petrarca	Wright, J. L.
Corrigan	Jadlowiec	Petrone	Yandrisevits
Coy	Jarolin	Phillips	
DeLuca	Johnson	Pitts	Manderino,
Daley	Kaiser	Raymond	Speaker
Davies			

NOT VOTING—3

McVerry Maiale Reber
EXCUSED—2

Belfanti Hershey

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. HUGHES offered the following amendments No. A3461:

Amend Title, page 1, line 7 (A3332), by striking out “and” and inserting providing for the public funding of necessary medical procedures; prohibiting discrimination based on a choice to obtain or to advocate for contraceptives or abortion; protecting the liberty of conscience in abortion matters; and making repeals.

Amend Sec. 4, page 5, lines 48 and 49 (A3332), by striking out “, 3214(a), 3215(b), 3216, 3217, 3218(a) and 3220” and inserting and 3214(a)

Amend Bill, page 9, lines 37 through 46 (A3332), by striking out all of said lines and inserting

Section 5. Section 3215 of Title 18 is repealed.

Section 6. Title 18 is amended by adding a section to read: § 3215.1. Woman’s health equity.

(a) Legislative intent.—It is the intent of the General Assembly to protect the constitutional right of reproductive privacy by treating decisions to prevent, commence, terminate or continue a pregnancy equally in the provision of public funds and other benefits, and by prohibiting discrimination against any person who exercises or provides or who lawfully advocates for a reproductive choice.

(b) Medical assistance.—A medically necessary abortion shall be funded in the same manner and to the same extent as any other medically necessary procedure funded under the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, and regulations promulgated thereunder.

(c) Nondiscrimination.—The Commonwealth shall not discriminate against any person by denying or conditioning the receipt of any form of aid, assistance, benefits, programs, facilities, contracts or services based on:

(1) a woman’s decision to obtain birth control or an abortion;

(2) a person’s lawful advocacy for the availability of abortion or contraception; or

(3) a person’s decision to provide or refuse to provide abortion or contraceptive services.

(d) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Commonwealth.” The Commonwealth, or any agency, instrumentality, court or political subdivision of the Commonwealth.

“Discriminate.” Engage in any activity, either intentional or unintentional, that creates a disparate treatment or adverse impact.

“Medically necessary.” Generally recognized as medically safe and effective or recommended by a physician in the good faith exercise of his best professional judgment, as regulated by generally accepted medical standards, the licensing of medical facilities, or the prescription of drugs or medical devices.

Section 7. Sections 3216, 3217, 3218(a) and 3220 of Title 18 are amended to read:

Amend Sec. 5, page 11, line 38 (A3332), by striking out "5" and inserting

8

Amend Sec. 6, page 11, line 43 (A3332), by striking out "6" and inserting

9

Amend Sec. 7, page 11, line 46 (A3332), by striking out "7" and inserting

10

Amend Sec. 8, page 11, line 52 (A3332), by striking out "8" and inserting

11

Amend Sec. 9, page 12, line 1 (A3332), by striking out "9" and inserting

12

Amend Bill, page 12, by inserting between lines 8 and 9 (A3332)

Section 13. The following acts and parts of acts are repealed:

(1) Section 453 of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

(2) Section 7(d) of the act of April 29, 1988 (P.L.373, No.59), known as the Interest on Lawyers' Trust Accounts Act.

(3) All other acts and parts of acts are hereby repealed insofar as they are inconsistent with this act.

Amend Sec. 10, page 12, line 9 (A3332), by striking out "10" and inserting

14

On the question,

Will the House agree to the amendments?

The SPEAKER. On the question of whether the House will adopt the amendment, the Chair recognizes, from Philadelphia County, Representative Hughes.

Mr. HUGHES. Mr. Speaker, should I run over my 2 minutes, I would like to continue. Thank you.

The SPEAKER. Thank you.

Mr. HUGHES. This amendment, No. A3461, is the same language as HB 1875. It provides that "A medically necessary abortion shall be funded in the same manner and to the same extent as any other medically necessary procedure..." as provided under Pennsylvania's medical assistance program.

Amendment A3461 stipulates that—

The Commonwealth shall not discriminate against any person by denying or conditioning the receipt of any form of aid, assistance, benefits, programs, facilities, contracts or services based on:

(1) a woman's decision to obtain birth control or an abortion;

(2) a person's lawful advocacy for the availability of abortion or contraception; or

(3) a person's decision to provide or refuse to provide abortion or contraceptive services.

This amendment should be known as the Woman's Health Equity Act. It provides for the same access to reproductive health service for poor women as rich women have. The amendment states that poor women in Erie, Crawford, Mercer, Venango, and Warren Counties are equal in status and have the same access to health care services as rich women. The amendment states that poor women who live in Bradford, Susquehanna, Wayne, Lackawanna, and Wyoming

Counties must not be treated any differently than rich women. Amendment A3461 states that poor women who live in Greene, Washington, Fayette, Beaver, and Westmoreland Counties have the same right of self-determination as rich women. Amendment A3461 states that poor women living in Forest, Elk, Cameron, Clinton, and Lycoming Counties who suffer from diabetes or cancer have the same opportunity to increase health risks to themselves as rich women have, and that poor women who live in Armstrong, Jefferson, Union, Northumberland, and Schuylkill Counties who have AIDS and who are pregnant can be provided the same services as rich women.

When abortion services for poor women living in counties like Pike, Potter, and Franklin— Mr. Speaker, my time is over? Wind up. All right.

The SPEAKER. No; your 2 minutes are up. You have another 2 minutes.

Mr. HUGHES. —were cut off in 1985, birth rates across the State increased 32.7 percent. Poor women in Carbon, Tioga, and Lawrence Counties are having children they do not want, and the State refuses to find the money and the compassion to take care of those children. Why must a poor woman who lives in Huntingdon County be discriminated against because of her lack of wealth? That is not what Pennsylvania is supposed to stand for. Why must a poor woman who lives in Chester County have her health jeopardized only because she is poor? Why must a poor woman who lives in Montour County and is carrying a Tay-Sachs fetus doomed to die have to live through that pain? Why must a poor woman who lives in Mifflin County force herself and force this State to bear the financial burden that neither can afford? Why does a poor woman who lives in Juniata County have to resort to inducing her abortion through cocaine, coat hangers, or five packs of birth control pills?

Since 1985, roughly 10,000 women per year have been denied abortion services simply because they are poor. Birth rates have increased, infant mortality rates have increased, and Pennsylvania's cost for the care of unwanted children has increased. Amendment A3461 is an attempt to correct injustice and discrimination that has been placed on poor people in this State.

We are taking this geography tour of the State, Mr. Speaker, to show that poor women who live in each one of the 67 counties, in each of the 50 senatorial districts, in each of the 203 legislative districts in Pennsylvania and not just those who live in Philadelphia and Pittsburgh, are suffering dramatically and unfairly when it comes to their reproductive health. We are seeking that this State Government have the same sense of fairness and compassion as the governments of New York and Maryland, and we are asking that this House of Representatives provide leadership for the lost, hope for the hopeless, and equity for everyone by removing the burden of poverty and discrimination off the backs of poor women and their families and letting the warm sun of equality be accessible to each and every person of this Commonwealth.

The SPEAKER. The gentleman's time is up.

Mr. HUGHES. Thank you very much.

The SPEAKER. From Philadelphia, the Chair recognizes Representative Josephs on the amendment.

Ms. JOSEPHS. Mr. Speaker, I support this amendment, and I support it because it is unfair to pick on poor women.

We have heard many times, I have heard many times, those people whose sole object it is to recriminalize abortion speak in sanctimonious terms about how they are trying so hard to save the, in their words, unborn babies of poor women and how privileged those unborn babies are. Well, Mr. Speaker, I think that their claim to being the most, in their words, prolife State in this country is based on their ability to pick on poor women and young women, people who, by definition, have little power at the polls. I could pick on these populations, too. Everybody could pick on these populations. But let me also point out that the bill that we are considering affects every woman - middle-class women, working women, rich women, women who are going to pay for these abortions themselves, and women who are mature adults.

I hope that when you face these women and the men who care for them in your districts, you are able to explain to them why you put up these votes against them, and I hope they understand that they must return to you the disrespect that you have shown to them at the polls. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, from Delaware County, Representative Freind is recognized.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to oppose the amendment, and I hope it is clear to all of you what the amendment does. It undoes what we did in 1980 when we overwhelmingly passed the medicaid funding cutoff, but through a 5-year court battle, it went into effect in 1985 after we won all the court challenges. Prior to that time, a woman who qualified economically in Pennsylvania could have an abortion for any reason because of the definition of "health." We funded 13,000 a year.

After the medicaid funding cutoff, we were only funding those necessary to save the life of the mother and in cases of rape and incest. And in point of fact, after we made rape and incest reportable to the law enforcement agencies, the number now, instead of 13,000 a year, is less than 100.

I find it very interesting that this group called CHOICE issued a report that said since the medicaid funding cutoff, many women are having later-term abortions because it is necessary for them to save their money, and as I indicated before, this only confirms what we have known all along - abortion is an industry. There are prolife doctors throughout the State who consistently provide services to women who choose life for free, but on the other side, the doctors who are supposed to benefit the women with this procedure will not do it unless the money is up front.

If we pass this amendment, what we go back to is unwitting birth control by abortion on demand funded by the taxpayers, more than 13,000 a year. I hope we reject this amendment. Thank you, Mr. Speaker.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—41

Acosta	Harper	Maine	Preston
Bishop	Heckler	Merry	Richardson
Bowley	Hughes	Miller	Ritter
Brandt	Itkin	Moehlmann	Robinson
Carn	Jackson	Nahill	Roebuck
DeWeese	James	O'Donnell	Saurman
Davies	Josephs	Oliver	Smith, B.
Dorr	Lashinger	Pievsky	Thomas
Evans	Linton	Pistella	Williams
Freeman	McVerry	Pressmann	Wright, R. C.
Hagarty			

NAYS—158

Adolph	Dietterick	LaGrotta	Ryan
Allen	Dininni	Langtry	Rybak
Angstadt	Distler	Laughlin	Saloom
Argall	Dombrowski	Lee	Scheetz
Barley	Donatucci	Leh	Schuler
Battisto	Durham	Lescovitz	Scrimenti
Belardi	Fairchild	Letterman	Semmel
Billow	Fargo	Levdansky	Serafini
Birmelin	Farmer	Lloyd	Smith, S. H.
Black	Fee	Lucyk	Snyder, D. W.
Blaum	Fleagle	McCall	Snyder, G.
Bortner	Flick	McHale	Staback
Boyes	Foster	McNally	Stairs
Broujos	Fox	Maiale	Steighner
Bunt	Freind	Markosek	Stish
Burd	Gallen	Marsico	Strittmatter
Burns	Gamble	Mayernik	Stuban
Bush	Gannon	Melio	Tangretti
Caltagirone	Geist	Michlovic	Taylor, E. Z.
Cappabianca	George	Micozzie	Taylor, F.
Carlson	Gigliotti	Morris	Taylor, J.
Cawley	Gladeck	Mowery	Telek
Cessar	Godshall	Mrkonic	Tigue
Chadwick	Gruitza	Murphy	Trello
Civera	Gruppo	Nailor	Trich
Clark, B. D.	Haluska	Noye	Van Horne
Clark, D. F.	Hasay	O'Brien	Veon
Clark, J. H.	Hayden	Olasz	Vroon
Clymer	Hayes	Perzel	Wambach
Cohen	Herman	Pesci	Wass
Colafella	Hess	Petrarca	Weston
Colaizzo	Howlett	Petrone	Wilson
Cole	Jadlowiec	Phillips	Wogan
Cornell	Jarolin	Piccola	Wozniak
Corrigan	Johnson	Pitts	Wright, D. R.
Cowell	Kaiser	Raymond	Wright, J. L.
Coy	Kasunic	Reber	Yandrisevits
DeLuca	Kenney	Reinard	
Daley	Kondrich	Rieger	Manderino,
Dempsey	Kosinski	Robbins	Speaker

NOT VOTING—2

Kukovich Rudy

EXCUSED—2

Belfanti Hershey

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Mr. BROUJOS offered the following amendments No. A3469:

Amend Sec. 4 (Sec. 3211), page 7, lines 34 through 43 (A3332), by striking out all of said lines and inserting

(1) It shall not be a violation of subsection (a) if an abortion is performed by a physician and that physician reasonably believes that it is necessary:

(i) To prevent the death of the pregnant woman or to prevent substantial impairment of a major bodily function of the woman where such impairment causes permanent disability for partial disability for a period of no less than a year after the abortion.

(ii) To terminate any pregnancy initiated by an act of rape or incest. No physician shall perform an abortion under this section unless he or she has received a signed notarized statement from the woman upon whom the abortion is to be performed setting forth in detail the circumstances under which the rape or incest occurred. The physician may, but is not compelled to, rely upon this statement in arriving at his reasonable belief that the abortion is necessary.

Amend Sec. 4 (Sec. 3211), page 8, lines 1 and 2 (A3332), by striking out all of said lines and inserting or the substantial impairment of a major bodily function of the woman where such impairment causes permanent or partial disability for a period of no less than a year after the abortion or to terminate any pregnancy initiated by an act of rape or incest.

Amend Sec. 4 (Sec. 3211), page 8, lines 9 and 10 (A3332), by striking out all of said lines and inserting woman or the substantial impairment of a major bodily function of the woman where such impairment causes permanent disability or partial disability for a period of no less than a year after the abortion or to prevent any pregnancy initiated by an act of rape or incest.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, Representative Broujos from Cumberland County is recognized.

Mr. BROUJOS. Mr. Speaker, this amendment provides for several situations in which the 24-week restriction does not permit. For instance, in the matter of incest and rape, arbitrarily the 24-week period has said that there can only be an abortion in the event of risk of death or the substantial impairment.

I am going to read a portion of the Webster decision. We have heard a lot of the Webster decision; it has been quoted, and shall we say it has been quoted for its purpose. But it says, "...the rigid trimester analysis of the course of a pregnancy enunciated in Roe has resulted in subsequent cases...making constitutional law in this area a virtual..." dilemma. In addition, it says, "In the first place, the rigid Roe framework is hardly consistent with the notion of a Constitution case in general terms, as ours is..." And what do we have? We have a Webster decision that in fact permits and recognizes a viability test, and we have in Representative Freind's bill a rigid 24-week period. That is in fact the antithesis of the Webster decision.

Now, Representative Freind has done an excellent, very admirable job in giving us a specific standard, and I applaud him for using the language of a "substantial impairment of a

major bodily function." That is a good test, but that test has with it a test that physicians would have difficulty in applying, and that is the irreversibility. It is difficult enough to get any opinion out of a physician without giving him such a difficult term as "irreversible."

My amendment has tried-and-true terms such as a "substantial impairment...where such impairment causes permanent disability." That permanent disability I think Representative Freind would accept, because it is a high test - permanent disability. It avoids the use of that very difficult term "irreversibility," and it uses a better term of "partial disability."

I ask that this amendment be accepted.

The SPEAKER. The question is on the amendment. On that question, Representative Freind is recognized.

Mr. FREIND. Mr. Speaker, I rise to oppose this amendment for two reasons. Number one, once again it weakens what we have determined to be a reasonable standard after 24 weeks - to avert the death of the mother or in cases of substantial and irreversible impairment of a major bodily function. Now, I assume in this amendment there is a drafting error where it says "disability" and it should be "or partial disability." What does "partial disability" mean for a period of not less than a year? So once again, it is another attempt to weaken the accommodation we have already made. Please remember—and I do not want to be redundant—what we are trying to do is weigh life and health here.

The second thing it does is bring in rape and incest. Now, I am aware there are many members, if Roe v. Wade is overturned, who will vote to outlaw abortions but will want a rape-and-incest exception. That day is not here, and we are only talking about abortions after 24 weeks - a 6-month-old unborn baby or older.

The argument in favor of abortions for rape and incest is, as a result of these heinous crimes, the woman is forced to carry the baby. We are talking about at least a 6-month-old baby where the woman has already carried that unborn baby for more than two-thirds of her pregnancy. The only result, therefore, that can be is to kill that unborn baby. It may well be at the appropriate time that the majority of this legislature will feel that there is a place for a rape-and-incest exception, but it certainly is not after 24 weeks where we are talking about a 6-month-old unborn baby.

For those reasons—because it once again attempts to dilute a reasonable standard weighing health against life; and because, secondly, it does not make sense when we are talking about a baby this old - a baby; a well-developed baby—I sincerely hope we reject this amendment. Thank you.

The SPEAKER. The question is on the amendment.

Mr. BROUJOS. May I have my last 2 minutes, Mr. Speaker?

The SPEAKER. On that question, Representative Broujos from Cumberland County is recognized for the second time.

Mr. BROUJOS. First of all, Representative Freind knows that that "f-o-r" is simply an editorial change that can be made. We do not need a ruling on that, and this House does not need it, and he nods yes.

The second thing is that we have in the 24-week period an arbitrary standard that has been set in this bill which is contrary to the very decision, the very conservative decision, that Representative Freind wants to rely on. Now, what he is doing to the Supreme Court is he is going to back them to the wall for the purpose of having them rule on an arbitrary 24 weeks.

What we have done here is provide for that very limited situation where the rape or incest may occur. Now, the question is, how many occur, and we know that there were only about 127 abortions that took place in the 20- to 24-week period out of 50,000 abortions last year, and let me ask you, how many of those were rape or incest? The number would be relatively small, if any. The point is that in that heinous situation where incest occurs, where the extraordinary circumstances of the difficulty of disclosure occur, here we have an opportunity, for that one small window of opportunity, for a person that is a victim of incest to come forward and meet the very reasonable test of this bill.

Finally, my standard of substantial impairment is slightly less than Representative Freind's and much more onerous than Representative Ritter's. What I am saying is that you voted 40, 60, 65, 70, 90 votes in favor of a test that is less than that irreversible standard that Representative Freind has, and this is your opportunity to vote for a test that is not as severe as "irreversible" and not as liberal as Representative Ritter's amendment. I give you an opportunity to vote on this to give a chance for a person that is substantially impaired but not irreversibly impaired, whether it is a permanent disability or a partial disability, to have that abortion, and it is going to be very small.

I ask for an affirmative vote.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—63

Acosta	Gladeck	Merry	Richardson
Bishop	Godshall	Michlovic	Ritter
Bortner	Hagarty	Miller	Robinson
Bowley	Harper	Moehlmann	Roebuck
Brandt	Heckler	Mowery	Rudy
Broujos	Hughes	Murphy	Smith, B.
Carn	Itkin	Nahill	Stairs
Cohen	Jackson	O'Donnell	Thomas
Cornell	James	Oliver	Trich
Cowell	Josephs	Petrone	Van Horne
DeWeese	Kukovich	Pievsky	Veon
Davies	Lashinger	Pistella	Wambach
Dorr	Levdansky	Pressmann	Williams
Evans	Linton	Preston	Wright, D. R.
Fox	Majale	Reber	Wright, R. C.
Freeman	Maine	Reinard	

NAYS—137

Adolph	Dietterick	Kondrich	Rybak
Allen	Dininni	Kosinski	Saloom
Angstadt	Distler	LaGrotta	Saurman
Argall	Dombrowski	Langtry	Scheetz
Barley	Donatucci	Laughlin	Schuler
Battisto	Durham	Lee	Scrimenti
Belardi	Fairchild	Leh	Semmel
Billow	Fargo	Lescovitz	Serafini
Birmelin	Farmer	Letterman	Smith, S. H.
Black	Fee	Lloyd	Snyder, D. W.

Blaum	Fleagle	Lucyk	Snyder, G.
Boyes	Flick	McCall	Staback
Bunt	Foster	McHale	Steighner
Burd	Freind	McNally	Stish
Burns	Gallen	Markosek	Strittmatter
Bush	Gamble	Marsico	Stuban
Caltagirone	Gannon	Mayernik	Tangretti
Cappabianca	Geist	Melio	Taylor, E. Z.
Carlson	George	Micozzie	Taylor, F.
Cawley	Gigliotti	Morris	Taylor, J.
Cessar	Gruitza	Mrkonic	Telek
Chadwick	Gruppo	Nailor	Tigue
Civera	Haluska	Noye	Trello
Clark, B. D.	Hasay	O'Brien	Vroon
Clark, D. F.	Hayden	Olasz	Wass
Clark, J. H.	Hayes	Perzel	Weston
Clymer	Herman	Pesci	Wilson
Colafella	Hess	Petrarca	Wogan
Colaizzo	Howlett	Phillips	Wozniak
Cole	Jadlowiec	Piccola	Wright, J. L.
Corrigan	Jarolin	Pitts	Yandrisevits
Coy	Johnson	Raymond	
DeLuca	Kaiser	Rieger	Manderino,
Daley	Kasunic	Robbins	Speaker
Dempsey	Kenney	Ryan	

NOT VOTING—1

McVerry

EXCUSED—2

Belfanti Hershey

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. LINTON offered the following amendments No. A3471, which had been read previously by the clerk:

Amend Title, page 1, line 6 (A3332), by inserting after "child;"

 providing for adequate financial support

Amend Sec. 1, page 1, line 10 (A3332), by striking out "The" and inserting

 Section 3202 and the

Amend Sec. 1, page 1, line 12 (A3332), by striking out "the section" and inserting

 section 3203

Amend Sec. 1, page 1 (A3332), by inserting between lines 13 and 14

§ 3202. Legislative intent.

(a) Rights and interests.—It is the intention of the General Assembly of the Commonwealth of Pennsylvania to protect hereby the life and health of the woman subject to abortion and to protect the life and health of the child subject to abortion. It is the further intention of the General Assembly to foster the development of standards of professional conduct in a critical area of medical practice, to provide for development of statistical data and to protect the right of the minor woman voluntarily to decide to submit to abortion or to carry her child to term. The General Assembly finds as fact that the rights and interests furthered by this chapter are not secure in the context in which abortion is presently performed.

(b) Conclusions.—Reliable and convincing evidence has compelled the General Assembly to conclude and the General Assembly does hereby solemnly declare and find that:

(1) Women may choose to seek abortions because they fear they will be unable to financially support a child until the child reaches the age of majority.

[(1)] (2) Many women now seek or are encouraged to undergo abortions without full knowledge of the development of the unborn child or of alternatives to abortion.

[(2)] (3) The gestational age at which viability of an unborn child occurs has been lowering substantially and steadily as advances in neonatal medical care continue to be made.

[(3)] (4) A significant number of late-term abortions result in live births, or in delivery of children who could survive if measures were taken to bring about breathing. Some physicians have been allowing these children to die or have been failing to induce breathing.

[(4)] (5) Because the Commonwealth places a supreme value upon protecting human life, it is necessary that those physicians which it permits to practice medicine be held to precise standards of care in cases where their actions do or may result in the death of an unborn child.

[(5)] (6) A reasonable waiting period, as contained in this chapter, is critical to the assurance that a woman elect to undergo an abortion procedure only after having the fullest opportunity to give her informed consent thereto.

(c) Construction.—In every relevant civil or criminal proceeding in which it is possible to do so without violating the Federal Constitution, the common and statutory law of Pennsylvania shall be construed so as to extend to the unborn the equal protection of the laws and to further the public policy of this Commonwealth encouraging childbirth over abortion.

(d) Right of conscience.—It is the further public policy of the Commonwealth of Pennsylvania to respect and protect the right of conscience of all persons who refuse to obtain, receive, subsidize, accept or provide abortions including those persons who are engaged in the delivery of medical services and medical care whether acting individually, corporately or in association with other persons; and to prohibit all forms of discrimination, disqualification, coercion, disability or imposition of liability or financial burden upon such persons or entities by reason of their refusing to act contrary to their conscience or conscientious convictions in refusing to obtain, receive, subsidize, accept or provide abortions.

Amend Sec. 2, page 2, line 2 (A3332), by inserting after "3208(a)"

and (a.1)

Amend Sec. 2, page 2, line 2 (A3332), by inserting after "amended"

or added

Amend Sec. 2 (Sec. 3205), page 3 (A3332), by inserting between lines 11 and 12

(iv) State cash benefits may be available for the entire household as provided for in section 3208(a.1) (relating to financial support).

Amend Sec. 2 (Sec. 3208), page 3, line 58 (A3332), by removing the period after "information" and inserting

and financial support.

Amend Sec. 2 (Sec. 3208), page 4 (A3332), by inserting between lines 53 and 54

(a.1) Financial support.—Whenever a woman certifies, in writing, that she has forgone an abortion and chooses to carry her child to term and maintains custody of her child, she shall be entitled to receive cash benefits of not less than 100% of the federally established poverty level for her family size if she is eligible for public assistance under the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code. These financial benefits shall continue until the household income exceeds the Federal poverty level or the child reaches the age of 18 or graduates from high school.

Amend Sec. 4 (Sec. 3211), page 8, line 1 (A3332), by inserting after "of"

a

On the question recurring,
Will the House agree to the amendments?

The SPEAKER. From Philadelphia County, Representative Linton is recognized.

Mr. LINTON. Thank you very much, Mr. Speaker.

Mr. Speaker, throughout this evening we have set through the Abortion Control Act some procedures that would not allow many women in this Commonwealth to move forth with abortions. Yet I would like to refer to some language that is currently in our current Abortion Control Act where it says that "It is the intention of the General Assembly of the Commonwealth of Pennsylvania to protect hereby the life and health of the woman subject to abortion and to protect the life and health of the child subject to abortion." With that, Mr. Speaker, under informed consent, we have informed the women of this Commonwealth that prior to getting an abortion, medical benefits will be made available to them.

Under this amendment we seek to provide to those women that State cash benefits will be made available to them. We also seek to inform those women that women may choose to seek abortions because they fear that they will be unable to financially support a child until the child reaches the age of maturity. We are acknowledging that there are findings that indicate that there are women in this Commonwealth that sometimes seek to have abortions because they recognize that they cannot financially support that child through maturity.

So we therefore are saying that if in fact that woman cannot have that abortion, we will provide information on the availability of medical benefits, but in addition to that, this amendment purports that we will provide—I am asking for another 2 minutes, Mr. Speaker.

The SPEAKER. The gentleman is in order to speak his second 2-minute period.

Mr. LINTON. We are providing the availability of cash benefits, but in addition to that, we are stating that those cash benefits will be made available of 100 percent of the current federally established poverty level. That is in fact what we are intending to do. If we are insisting that the women of this Commonwealth must continue to have children when they seek to have abortions, we must also insist that we provide financial support for those children through maturity.

I am asking for an affirmative vote on this amendment, Mr. Speaker.

The SPEAKER. The question is on the Linton amendment. On that question, from Delaware County, Representative Freind is recognized.

Mr. FREIND. I hope we take a good look at this language. Number one, there is no economic guideline at all. If a woman certifies that she has foregone an abortion and chooses to carry her baby, she shall be entitled to receive cash benefits of not less than 100 percent of the federally established poverty level, regardless of how much she makes, regardless of how much she presently makes. It penalizes, however, the woman who has never considered abortion whatsoever. Regardless of her economic circumstances, even if she is poor, she does not get a thing.

This amendment is absolutely ludicrous. Now, once again, we have got to always try to do better with respect to how we help our citizens within our budgetary constraints, but there are no income limitations here. A woman could be making \$50,000 a year, and she would be entitled to receive those benefits, and the woman who never considers abortion, she does not receive a penny.

I hope that we overwhelmingly defeat this amendment. Thank you, Mr. Speaker.

The SPEAKER. From Lehigh County, Representative McHale is recognized on the amendment.

Mr. McHALE. Mr. Speaker, would the gentleman, Mr. Linton, stand for interrogation?

The SPEAKER. The gentleman indicates he will. You may proceed.

Mr. McHALE. Mr. Speaker, I just listened to the gentleman, Mr. Freind, in which he indicated that there were no financial limits being placed regarding the eligibility of the woman for such funding, but when I look at your amendment, I see the phrase on page 3, "if she is eligible for public assistance." Would you clarify that situation?

Mr. LINTON. That is absolutely right, Mr. Speaker. It is clear that we are only speaking to those women who are eligible for public assistance. In addition, on page 2, it says, "State cash benefits may be available for the entire household..."—"may be available"—and they may be available only based upon their eligibility for public assistance.

Mr. McHALE. Thank you, Mr. Speaker. May I speak on the amendment?

The SPEAKER. The gentleman is in order.

Mr. McHALE. Mr. Speaker, I rise in vigorous support of the Linton amendment. Unlike two earlier amendments which made the implementation of Representative Freind's amendment contingent upon the solution to various inequities that we perceive in our society—and I specifically refer to the Heckler amendment and the Bishop amendment—this does not make the effectiveness of the Freind amendment contingent on anything. This is, Mr. Speaker, in my opinion, a test of our sincerity.

Now, throughout most of the afternoon and early evening, I have voted with Mr. Freind to protect unborn life. The question now before the House is, should any woman be so poor that she chooses abortion? If you believe that that is not an imposition to be placed on any woman in this Commonwealth, that no woman should be so poor that she chooses abortion, you should then vote for the Linton amendment. This says that if we encourage women to carry their pregnancies to full term, when those children are born, we will, if the family is unable to financially provide for that child, provide public support to guarantee that the child will not live in poverty.

This is a question of our integrity— My 2 additional minutes, Mr. Speaker, and I will conclude.

This is a question of whether we really mean what we have voted all afternoon. I support the protection of unborn life, but I also believe that once that child is born, it should not have to live in poverty.

I urge an affirmative vote for the Linton amendment.

The SPEAKER. The question is on the amendment. On that question, Representative Freind from Delaware County is recognized for the second time.

Mr. FREIND. Not to belabor this, but all a woman has to do is certify, and what she then receives, because she would have had an abortion and does not, she then receives a much higher rate of income than someone on public assistance, because it is now up to the Federal poverty level, if she says that she would have considered an abortion, and we do not do a thing for the equally poor woman who would never consider the killing of her unborn child because of economic circumstances. Now, when we are talking about discrimination, that is discrimination at its most. Sure, there is a need to improve what we are doing, and we try to do that every year, and we will keep trying, but this is not the way to do it.

I ask for defeat of this amendment, Mr. Speaker. Thank you.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—48

Acosta	Hagarty	McNally	Robinson
Bishop	Harper	Maine	Roebuck
Carn	Hayden	Mowery	Smith, B.
Cohen	Heckler	Nahill	Tangretti
Cornell	Hughes	O'Donnell	Thomas
Cowell	James	Oliver	Trich
DeWeese	Kukovich	Pievsky	Van Horne
Daley	Lashingier	Pistella	Yeon
Davies	Levdansky	Pressmann	Wambach
Dorr	Linton	Preston	Wass
Evans	McCall	Richardson	Williams
Freeman	McHale	Ritter	Wright, R. C.

NAYS—151

Adolph	Dininni	Kosinski	Rieger
Allen	Distler	L iGrotta	Robbins
Angstadt	Dombrowski	Langtry	Rudy
Argall	Donatucci	Laughlin	Ryan
Barley	Durham	Lee	Rybak
Battisto	Fairchild	Leh	Saloom
Belardi	Fargo	Lescovitz	Saurman
Billow	Farmer	Letterman	Scheetz
Birmelin	Fee	Lloyd	Schuler
Black	Fleagle	Lucyk	Scrimenti
Blaum	Flick	McVerry	Semmel
Bortner	Foster	Maiale	Serafini
Bowley	Fox	Markosek	Smith, S. H.
Boyes	Freind	Marsico	Snyder, D. W.
Brandt	Gallen	Mayernik	Snyder, G.
Broujos	Gamble	Melio	Staback
Bunt	Gannon	Merry	Stairs
Burd	Geist	Michlovic	Steighner
Burns	George	Micozzie	Stish
Bush	Gigliotti	Miller	Strittmatter
Caltagirone	Gladeck	Moehlmann	Stuban
Cappabianca	Godshall	Morris	Taylor, E. Z.
Carlson	Gruitza	Mrkonic	Taylor, F.
Cawley	Gruppo	Murphy	Taylor, J.
Cessar	Haluska	Nailor	Telek
Chadwick	Hasay	Noye	Tigue
Civera	Hayes	O'Brien	Trello
Clark, B. D.	Herman	Olasz	Vroon
Clark, D. F.	Hess	Perzel	Weston
Clark, J. H.	Howlett	Pesci	Wilson
Clymer	Jackson	Petrarca	Wogan

Colafrilla	Jadlowiec	Petrone	Wozniak
Colaizzo	Jarolin	Phillips	Wright, D. R.
Cole	Johnson	Piccola	Wright, J. L.
Corrigan	Kaiser	Pitts	Yandrisevits
Coy	Kasunic	Raymond	
DeLuca	Kenney	Reber	Manderino,
Dempsey	Kondrich	Reinard	Speaker
Dietterick			

NOT VOTING—2

Itkin Josephs

EXCUSED—2

Belfanti Hershey

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. STAIRS offered the following amendments No. A3470:

Amend Title, page 1, line 7 (A3332), by striking out "and"

Amend Title, page 1 (A3332), by inserting between lines 7 and 8

Amend Title, page 1, line 2, by removing the period after "incest" and inserting

; and making an appropriation.

Amend Bill, page 12 (A3332), by inserting between lines 8 and 9

Section 10. The sum of \$3,000,000, or as much thereof as may be necessary, is hereby appropriated to the Department of Public Welfare for the fiscal period July 1, 1989, to June 30, 1990. This appropriation shall be allocated as follows:

- (1) \$1,000,000 for subsidized day care.
- (2) \$2,000,000 for salary increases for day care workers.

Amend Sec. 10, page 12, line 9 (A3332), by striking out "10" and inserting

11

On the question,

Will the House agree to the amendments?

The SPEAKER. On the question of whether the House will adopt amendment 3470, the Chair recognizes, from Westmoreland County, Representative Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

During the afternoon and evening hours, we have heard much debate, much divisive debate, on philosophical differences, emotional differences. I offer this amendment to bring us together, and the grounds that I am doing that is for children.

If you are prolife, certainly you want to provide the children that we give life to opportunities. If you are prochoice, you want to provide opportunities to the children that are deprived. This amendment offers an appropriation of \$1 million for subsidized day care and \$2 million to increase the salaries of workers who are very grossly underpaid in subsidized day care, and of course, subsidized day care also provides service to children who do not receive subsidies, so many children will have the benefit of this legislation if we can offer this amendment to this bill.

GERMANENESS QUESTIONED

The SPEAKER. The Chair recognizes the majority leader, Representative O'Donnell.

Mr. O'DONNELL. Mr. Speaker, point of order.

The SPEAKER. What is the gentleman's point of order?

Mr. O'DONNELL. I would challenge the germaneness of this amendment.

The SPEAKER. The gentleman has indicated that in the opinion of the majority leader, the amendment is not germane. Germaneness is a question for the members of the House to decide. We are working today with a Title 18 bill, which is the Crimes Code bill, and the question is whether or not the amendment offered, making appropriations of money for day care and salary increases, is germane, and that question is for the House.

On the question,

Will the House sustain the germaneness of the amendments?

The SPEAKER. On that question, the minority leader, Representative Ryan, is recognized.

Mr. RYAN. Mr. Speaker, we have this evening handled a number of bills—we have taken them up, although they have never been questioned—with respect to funding of various things. The legislative intent in chapter 32 of the Abortion Control Act makes reference to the following: "It is the intention of the General Assembly of the Commonwealth...to protect hereby the life and health of the woman subject to abortion and to protect the life and health of the child subject to abortion." I think based on that, it is clear that the Abortion Control Act does more than just give us an opportunity to regulate people's lives; it also gives us an opportunity to subsidize day care and take care of those obligations that we have here in the Commonwealth.

This particular amendment offered by the gentleman, Mr. Stairs, appropriates \$3 million to the Department of Public Welfare until June of 1990, allocated to subsidized day care and for salary increases for day-care workers. I believe it to be an appropriate amendment. I believe it to be germane to the issue before us, and I would ask that we vote "yes" on that question. Thank you, sir.

The SPEAKER. The question is on germaneness. On that question, the majority leader, Representative O'Donnell, is recognized.

Mr. O'DONNELL. Thank you, Mr. Speaker.

I respectfully disagree with the minority leader and congratulate him on his ingenuity. The standard of germaneness that we have used in this House traditionally has been that it must be relevant to, an amendment to, the code that is under consideration. The code here is the Crimes Code. The gentleman characterized our efforts as "regulating people's lives," and he recited a phrase from the preamble, so to speak, of the Abortion Control Act which made reference to the health of children and women. By the gentleman's standards, anything that affected women or anything that affected children or anything that regulated anyone's life would therefore be

germane. I think that is a fairly broad standard and one that we probably ought to reject.

I think this is clearly not germane, and we should vote it so.

The SPEAKER. The question is whether or not the matter is germane. The gentleman, Mr. Ryan, the minority leader, is recognized.

Mr. RYAN. Mr. Speaker, on the same subject, in the Crimes Code, under the "Construction" of the act, the following is found:

In every relevant civil or criminal proceeding in which it is possible to do so without violating the Federal Constitution, the common and statutory law of Pennsylvania shall be construed so as to extend to the unborn the...protection of the laws and to further the public policy of this Commonwealth encouraging childbirth over abortion.

I think part of that is the proper and adequate funding of child care, further, in my judgment, substantiating the earlier argument that this is relevant and is germane to the issue. Thank you, Mr. Speaker.

The SPEAKER. From York County, Representative Foster is recognized.

Mr. FOSTER. Thank you, Mr. Speaker.

I can sympathize with trying to add on amendments here, but I recognized rather earlier that an amendment that I was party to would be nongermane, and I withdrew it. I submit that this amendment is equally nongermane, and I do not think we should burden this bill with this type of amendment.

So I would strongly urge that we vote the amendment nongermane.

The SPEAKER. Those voting that the amendment is germane will vote in the affirmative; those voting that the amendment is not germane will vote in the negative.

On the question recurring,

Will the House sustain the germaneness of the amendments?

The following roll call was recorded:

YEAS—98

Table listing names of members who voted YEAS, including Adolph, Allen, Angstadt, Argall, Barley, Birmelin, Black, Boyes, Brandt, Bunt, Burd, Burns, Bush, Carlson, Cessar, Chadwick, Civera, Clark, D. F., Clark, J. H., Clymer, Cornell, Davies, Dempsey, and Dieterick.

Dininni

Table listing names of members who voted Dininni, including Acosta, Battisto, Belardi, Billow, Bishop, Blaum, Bortner, Bowley, Broujos, Caltagirone, Cappabianca, Carn, Cawley, Clark, B. D., Cohen, Colafella, Colaizzo, Cole, Corrigan, Cowell, Coy, DeLuca, DeWeese, Daley, Dombrowski, and Donatucci.

Kondrich

Table listing names of members who voted Kondrich, including Evans, Fee, Foster, Freeman, Freind, Gamble, George, Gigliotti, Gruitza, Haluska, Harper, Hayden, Howlett, Hughes, Itkin, James, Jarolin, Josephs, Kaiser, Kasunic, Kenney, Kosinski, Kukovich, LaGrotta, Laughlin, and Leh.

NAYS—102

Table listing names of members who voted NAYS, including Lescovitz, Letterman, Linton, Lloyd, Lucyk, McCall, Maiale, Maine, Markosek, Mayernik, Melio, Merry, Michlovic, Morris, Mrkonic, O'Brien, O'Donnell, Olasz, Oliver, Perzel, Pesci, Petrarca, Pievsky, Pistella, Pressmann, Richardson, Rieger, Ritter, Roebuck, Rybak, Saloom, Scrimenti, Steighner, Stish, Tangretti, Taylor, F., Taylor, J., Thomas, Tigue, Trello, Trich, Veon, Vroon, Wambach, Williams, Wogan, Wozniak, Wright, D. R., and Yandrisevits.

NOT VOTING—1

Staback

EXCUSED—2

Belfanti

Hershey

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendments were declared not germane.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

AMENDMENT A3332 RECONSIDERED

The SPEAKER. The Chair has before it a reconsideration motion filed by the gentleman from Philadelphia, Mr. Pievsky, regarding the original Freind amendment, amendment A3332, which passed on this the 24th day of October.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—199

Table listing names of members who voted YEAS for Amendment A3332, including Acosta, Adolph, Allen, Angstadt, Argall, Barley, Battisto, Belardi, Billow, Birmelin, Black, Blaum, Bortner, Bowley, Donatucci, Durham, Evans, Fairchild, Fargo, Farmer, Fee, Fleagle, Flick, Foster, Fox, Freeman, Freind, Gamble, Laughlin, Lee, Leh, Lescovitz, Letterman, Linton, Lloyd, Lucyk, McCall, McHale, McNally, McVerry, Maiale, and Manderino, Speaker.

Boyes	Gannon	Markosek	Smith, S. H.
Brandt	Geist	Marsico	Snyder, D. W.
Broujos	George	Mayernik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
Burd	Gladeck	Merry	Stairs
Burns	Godshall	Michlovic	Steighner
Bush	Gruitza	Micozzie	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Stuban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonic	Taylor, F.
Cessar	Hayden	Murphy	Taylor, J.
Chadwick	Hayes	Nahill	Telek
Civera	Heckler	Nailor	Thomas
Clark, B. D.	Herman	Noye	Tigue
Clark, D. F.	Hess	O'Brien	Trello
Clark, J. H.	Howlett	O'Donnell	Trich
Clymer	Hughes	Olasz	Van Horne
Cohen	Itkin	Oliver	Veon
Colafrella	Jackson	Perzel	Vroon
Colaizzo	Jadlowiec	Pesci	Wambach
Cole	James	Petrone	Wass
Cornell	Jarolin	Phillips	Weston
Corrigan	Johnson	Piccola	Williams
Cowell	Josephs	Pievsky	Wilson
Coy	Kaiser	Pistella	Wogan
DeLuca	Kasunic	Pitts	Wozniak
DeWeese	Kenney	Pressmann	Wright, D. R.
Daley	Kondrich	Preston	Wright, J. L.
Davies	Kosinski	Raymond	Wright, R. C.
Dempsey	Kukovich	Reber	Yandrisevits
Dietterick	LaGrotta	Reinard	
Dininni	Langtry	Richardson	Manderino,
Distler	Lashingier	Rieger	Speaker
Dombrowski			

NAYS—1

Gallen

NOT VOTING—1

Petrarca

EXCUSED—2

Belfanti Hershey

The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,
Will the House agree to the amendments?

The clerk read the following amendments No. A3332:

Amend Title, page 1, line 2, by inserting after "Statutes," regulating matters relating to the performance of abortions, the protection of women who undergo abortion, and the protection of children subject to abortion; providing for notice to spouses prior to an abortion; prohibiting abortions based solely on the sex of the child; prohibiting certain abortions after 24 weeks gestation; and

Amend Bill, page 1, lines 5 and 6, by striking out all of said lines and inserting

Section 1. The definitions of "fertilization," "pregnancy," and "unborn child" in section 3203 of Title 18 of the Pennsylvania Consolidated Statutes are amended and the section is amended by adding a definition to read:

§ 3203. Definitions.

The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Fertilization" and "conception." [The fertilization of an ovum by a sperm, which shall be deemed to have occurred when the head of the sperm has penetrated the cell membrane of the ovum and the process of development, differentiation, cell mitosis and replication begins and shall be synonymous with the term conception.] Each term shall mean the fusion of a human spermatozoon with a human ovum.

"Gestational age." The age of the unborn child as calculated from the first day of the last menstrual period of the pregnant woman.

"Pregnancy" and "pregnant." [That] Each term shall mean that female reproductive condition [caused by and commencing] of having a developing fetus in the body and commences with fertilization.

"Unborn child" and "fetus." [For purposes of this chapter, a human being from fertilization until birth and includes a fetus.] Each term shall mean an individual organism of the species homo sapiens from fertilization until live birth.

Section 2. Sections 3204(c) and (d), 3205(a) and (c), 3206(f)(1) and 3208(a) of Title 18 are amended to read:

§ 3204. Medical consultation and judgment.

(c) Factors.—In determining in accordance with subsection (a) or (b) whether an abortion is necessary, a physician's best clinical judgment may be exercised in the light of all factors (physical, emotional, psychological, familial and the woman's age) relevant to the well-being of the woman. No abortion which is sought solely because of the sex of the unborn child shall be deemed a necessary abortion.

(d) Penalty.—Any person who intentionally, knowingly or recklessly violates the provisions of this section commits a felony of the third degree, and any physician who violates the provisions of this section is guilty of "unprofessional conduct" and his license for the practice of medicine and surgery shall be subject to suspension or revocation in accordance with procedures provided under the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, or their successor acts.

§ 3205. Informed consent.

(a) General rule.—No abortion shall be performed or induced except with the voluntary and informed consent of the woman upon whom the abortion is to be performed or induced. Except in the case of a medical emergency, consent to an abortion is voluntary and informed if and only if, prior to the consent having been given, the physician who is to perform the abortion, or the referring physician, or a qualified physician assistant, health care practitioner, or technician to whom the responsibility has been delegated by either physician, has orally informed the woman of the nature of the proposed procedure or treatment and of those risks and alternatives to the procedure or treatment that a reasonable patient would consider material to the decision whether or not to undergo the abortion, and the woman certifies in writing prior to the abortion that she has been provided such information.]:

(1) At least 24 hours prior to the abortion, the physician who is to perform the abortion or the referring physician has orally informed the woman of:

(i) The nature of the proposed procedure or treatment and of those risks and alternatives to the procedure or treatment that a reasonable patient would consider material to the decision of whether or not to undergo the abortion.

(ii) The probable gestational age of the unborn child at the time the abortion is to be performed.

(iii) The medical risks associated with carrying her child to term.

(2) At least 24 hours prior to the abortion, the physician who is to perform the abortion, or the referring physician, or a qualified physician assistant, health care practitioner, technician or social worker to whom the responsibility has been delegated by either physician has informed the pregnant woman that:

(i) The department publishes printed materials which describe the unborn child and list agencies which offer alternatives to abortion and that she has a right to review the printed materials and that a copy will be provided to her free of charge if she chooses to review it.

(ii) Medical assistance benefits may be available for prenatal care, childbirth and neonatal care, and that more detailed information on the availability of such assistance is contained in the printed materials published by the department.

(iii) The father of the unborn child is liable to assist in the support of her child, even in instances where he has offered to pay for the abortion. In the case of rape, this information may be omitted.

(3) A copy of the printed materials has been provided to the pregnant woman if she chooses to view these materials.

(4) The pregnant woman certifies in writing, prior to the abortion, that the information required to be provided under paragraphs (1), (2) and (3) has been provided.

(c) Penalty.—Any physician who violates the provisions of this section is guilty of “unprofessional conduct” and his license for the practice of medicine and surgery shall be subject to suspension or revocation in accordance with procedures provided under the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, or their successor acts. Any physician who performs or induces an abortion without first obtaining the certification required by subsection (a)(4) or with knowledge or reason to know that the informed consent of the woman has not been obtained, shall for the first offense be guilty of a summary offense and for each subsequent offense be guilty of a misdemeanor of the third degree. No physician shall be guilty of [“unprofessional conduct”] violating this section for failure to furnish the information required by subsection (a) if he or she demonstrate, by a preponderance of the evidence, that he or she reasonably believed that furnishing the information would have resulted in a severely adverse effect on the physical or mental health of the patient.

§ 3206. Parental consent.

(f) Proceedings.—

(1) Court proceedings under this section shall be confidential and shall be given such precedence over other pending matters as will ensure that the court may reach a decision promptly and without delay in order to serve the best interests of the pregnant woman. In no case shall the court of common pleas fail to rule within three business days of the date of application. A court of common pleas which conducts proceedings under this section shall make in writing specific factual findings and legal conclusions supporting its decision and shall, upon the initial filing of the minor’s petition for judicial authorization of an abortion, order a sealed record of the petition, pleadings, submissions, transcripts, exhibits, orders, evidence and any other written material to be maintained which shall include its own findings and conclusions.

§ 3208. Printed information.

(a) General rule.—The department shall cause to be published in English, Spanish and Vietnamese, within 60 days after this chapter becomes law, and shall update on an annual basis, the following easily comprehensible printed materials:

(1) Geographically indexed materials designed to inform the woman of public and private agencies and services available to assist a woman through pregnancy, upon childbirth and while the child is dependent, including adoption agencies, which shall include a comprehensive list of the agencies available, a description of the services they offer and a description of the manner, including telephone numbers, in which they might be contacted, or, at the option of the department, printed materials including a toll-free, 24-hour a day telephone number which may be called to obtain, orally, such a list and description of agencies in the locality of the caller and of the services they offer. [The materials shall include the following statement:

“There are many public and private agencies willing and able to help you to carry your child to term, and to assist you and your child after your child is born, whether you choose to keep your child or to place her or him for adoption. The Commonwealth of Pennsylvania strongly urges you to contact them before making a final decision about abortion.”]

The materials shall [state that medical assistance benefits may be available] provide information on the availability of medical assistance benefits for prenatal care, childbirth and neonatal care, and state that it is unlawful for any individual to coerce a woman to undergo abortion, that any physician who performs an abortion upon a woman without obtaining her informed consent or without according her a private medical consultation may be liable to her for damages in a civil action at law, that the father of a child is liable to assist in the support of that child, even in instances where the father has offered to pay for an abortion and that the law permits adoptive parents to pay costs of prenatal care, childbirth and neonatal care.

(2) Materials designed to inform the woman of the probable anatomical and physiological characteristics of the unborn child at two-week gestational increments from fertilization to full term, including pictures representing the development of unborn children at two-week gestation increments, and any relevant information on the possibility of the unborn child’s survival. The materials shall be objective, non-judgmental and designed to convey only accurate scientific information about the unborn child at the various gestational ages. The material shall also contain objective information describing the methods of abortion procedures commonly employed, the medical risks commonly associated with each such procedure, the possible detrimental psychological effects of abortion and the medical risks commonly associated with each such procedure[, the possible detrimental psychological effects of abortion] and the medical risks commonly associated with carrying a child to term.

Section 3. Title 18 is amended by adding a section to read:

§ 3209. Spousal notice.

(a) Spousal notice required.—In order to further the Commonwealth’s interest in promoting the integrity of the marital relationship, and to protect a spouse’s interests in having children within marriage and in protecting the prenatal life of that spouse’s child, no physician shall perform an abortion on a married woman, except as provided in subsections (b) and (c), unless he or she has received a signed statement, which need not be notarized, from the woman upon whom the abortion is to be performed, that she has notified her spouse that she is about to

undergo an abortion. The statement shall bear a notice that any false statement made therein is punishable by law.

(b) Exceptions.—The statement certifying that the notice required by subsection (a) has been given need not be furnished where the woman provides the physician a signed statement certifying at least one of the following:

(1) Her spouse is not the father of the child.

(2) Her spouse, after diligent effort, could not be located.

(3) The pregnancy is a result of spousal sexual assault as described in section 3128 (relating to spousal sexual assault), which has been reported to a law enforcement agency having the requisite jurisdiction.

(4) The woman has reason to believe that the furnishing of notice to her spouse is likely to result in the infliction of bodily injury upon her by her spouse or by another individual.

Such statement need not be notarized, but shall bear a notice that any false statements made therein are punishable by law.

(c) Medical emergency.—The requirements of subsection (a) shall not apply in case of a medical emergency.

(d) Forms.—The department shall cause to be published, forms which may be utilized for purposes of providing the signed statements required by subsections (a) and (b). The department shall distribute an adequate supply of such forms to all abortion facilities in this Commonwealth.

(e) Penalty; civil action.—Any physician who violates the provisions of this section is guilty of “unprofessional conduct,” and his or her license for the practice of medicine and surgery shall be subject to suspension or revocation in accordance with procedures provided under the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, or their successor acts. In addition, any physician who knowingly violates the provisions of this section shall be civilly liable to the spouse who is the father of the aborted child for any damages caused thereby and for punitive damages in the amount of \$5,000, and the court shall award a prevailing plaintiff a reasonable attorney fee as part of costs.

Section 4. Sections 3210, 3211, 3212(b), 3214(a), 3215(b), 3216, 3217, 3218(a) and 3220 of Title 18 are amended to read:
§ 3210. [Abortion after viability.

(a) Prohibition; penalty.—Any person who intentionally, knowingly or recklessly performs or induces an abortion when the fetus is viable commits a felony of the third degree. It shall be a complete defense to any charge brought against a physician for violating the requirements of this section that he had concluded in good faith, in his best medical judgment, that the unborn child was not viable at the time the abortion was performed or induced or that the abortion was necessary to preserve maternal life or health.

(b) Degree of care.—Except in the case of a medical emergency, every person who performs or induces an abortion after he has determined an unborn child to be viable shall exercise that degree of professional skill, care and diligence which would reasonably be necessary in order to preserve the life and health of any unborn child intended to be born and not aborted, and the abortion technique employed shall be that which would provide the best opportunity for the unborn child to be delivered alive unless, in the good faith judgment of the physician, that method or technique would present a greater medical risk to the life or health of the pregnant woman than would another available method or technique. The physician shall report the basis for his judgment pursuant to section 3214(a) (relating to reporting). The potential psychological or emotional impact on the mother of the unborn child’s survival shall not be deemed a medical risk to the mother. Any person who intentionally, knowingly or recklessly violates the provisions of this subsection commits a felony of the third degree.

(c) Second physician.—Except in the case of a medical emergency, any person who intends to perform an abortion after he has determined an unborn child to be viable, the method chosen for which abortion, in his good faith judgment, does not preclude the possibility of the child surviving the abortion, shall arrange for the attendance, in the same room in which the abortion is to be completed, of a second physician. Immediately after the complete expulsion or extraction of the child, the second physician shall take control of the child and shall provide immediate medical care for the child, taking all reasonable steps necessary, in his judgment, to preserve the child’s life and health. Any person who intentionally, knowingly or recklessly violates the provisions of this subsection commits a felony of the third degree.]

Determination of gestational age.

(a) Requirement.—Except in the case of a medical emergency, which prevents compliance with this section, no abortion shall be performed or induced unless the referring physician or the physician performing or inducing it has first made a determination of the probable gestational age of the unborn child. In making such determination, the physician shall make such inquiries of the patient and perform or cause to be performed such medical examinations and tests as a prudent physician would consider necessary to make or perform in making an accurate diagnosis with respect to gestational age. The physician who performs or induces the abortion shall report the type of inquiries made and the type of examinations and tests utilized to determine the gestational age of the unborn child and the basis for the diagnosis with respect to gestational age on forms provided by the department.

(b) Penalty.—Failure of any physician to conform to any requirement of this section constitutes “unprofessional conduct” within the meaning of the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, or their successor acts. Upon a finding by the State Board of Medicine or the State Board of Osteopathic Medicine that any physician has failed to conform to any requirement of this section, the board shall not fail to suspend that physician’s license for a period of at least three months. Intentional, knowing or reckless falsification of any report required under this section is a misdemeanor of the third degree.

§ 3211. [Viability.

(a) Determination of viability.—Except in the case of a medical emergency, prior to performing any abortion upon a woman subsequent to her first 19 weeks of pregnancy, the physician shall determine whether, in his good faith judgment, the child is viable. When the physician has determined that a child is viable, he shall, pursuant to section 3214(a) (relating to reporting), report the basis for his determination that the abortion is necessary to preserve maternal life or health. When the physician has determined that a child is not viable after the first 19 weeks of pregnancy, he shall report the basis for such determination pursuant to section 3214(a).

(b) Unprofessional conduct.—Failure of any physician to conform to any requirement of this section constitutes “unprofessional conduct” within the meaning of the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, or their successor acts. Upon a finding by the State Board of Medicine or the State Board of Osteopathic Medicine that any physician has failed to conform to any requirement of this section, the board shall not fail to suspend that physician’s license for a period of at least three months. Intentional, knowing or reckless falsification of any report required under this section is a misdemeanor of the third degree.]

Abortion on unborn child of 24 or more weeks gestational age.

(a) Prohibition.—Except as provided in subsection (b), no person shall perform or induce an abortion upon another person when the gestational age of the unborn child is 24 or more weeks.

(b) Exceptions.—

(1) It shall not be a violation of subsection (a) if an abortion is performed by a physician and that physician reasonably believes that it is necessary to prevent either the death of the pregnant woman, or the substantial and irreversible impairment of a major bodily function of the woman. No abortion shall be deemed authorized under this paragraph if performed on the basis of a claim or a diagnosis that the woman will engage in conduct which would result in her death or in substantial and irreversible impairment of major bodily function.

(2) It shall not be a violation of subsection (a) if the abortion is performed by a physician and that physician reasonably believes, after making a determination of the gestational age of the unborn child in compliance with section 3210 (relating to determination of gestational age), that the unborn child is less than 24 weeks gestational age.

(c) Abortion regulated.—Except in the case of a medical emergency which, in the reasonable medical judgment of the physician performing the abortion, prevents compliance with a particular requirement of this subsection, no abortion which is authorized under subsection (b)(1) shall be performed unless each of the following conditions is met:

(1) The physician performing the abortion certifies, in writing, that, based upon his medical examination of the pregnant woman and his medical judgment, the abortion is necessary to prevent either the death of the pregnant woman or the substantial and irreversible impairment of a major bodily function of the woman.

(2) Such physician's judgment with respect to the necessity for the abortion has been concurred in by one other licensed physician, who certifies, in writing, that based upon his or her separate personal medical examination of the pregnant woman and his or her medical judgment, the abortion is necessary to prevent either the death of the pregnant woman or the substantial and irreversible impairment of a major bodily function of the woman.

(3) The abortion is performed in a hospital.

(4) The physician terminates the pregnancy in a manner which provides the best opportunity for the unborn child to survive, unless the physician determines, in his or her good faith medical judgment, that termination of the pregnancy in that manner poses a significantly greater risk either of the death of the pregnant woman or the substantial and irreversible impairment of a major bodily function of the woman than would other available methods.

(5) The physician performing the abortion arranges for the attendance, in the same room in which the abortion is to be completed, of a second physician who shall take control of the child immediately after complete extraction from the mother and shall provide immediate medical care for the child, taking all reasonable steps necessary to preserve the child's life and health.

(d) Penalty.—Any person who violates subsection (a) commits a felony of the first degree. Any person who violates subsection (c) commits a misdemeanor of the first degree for the first offense and a felony of the third degree for subsequent offenses.

§ 3212. Infanticide.

(b) Care required.—All physicians and licensed medical personnel attending a child who is born alive during the course of an abortion or premature delivery, or after being carried to term, shall provide such child that type and degree of care and treat-

ment which, in the good faith judgment of the physician, is commonly and customarily provided to any other person under similar conditions and circumstances. Any individual who intentionally, knowingly or recklessly violates the provisions of this subsection commits a felony of the third degree.

§ 3214. Reporting.

(a) General rule.—For the purpose of promotion of maternal health and life by adding to the sum of medical and public health knowledge through the compilation of relevant data, and to promote the Commonwealth's interest in protection of the [viable] unborn child, a report of each abortion performed shall be made to the department on forms prescribed by it. The report forms shall not identify the individual patient by name and shall include the following information:

(1) Identification of the physician who performed the abortion, the concurring physician as required by section 3211(c)(2) (relating to abortion on unborn child of 24 or more weeks gestational age), the second physician as required by section 3211(c)(5) and the facility where the abortion was performed and of the referring physician, agency or service, if any.

(2) The county and state in which the woman resides.

(3) The woman's age.

(4) The number of prior pregnancies and prior abortions of the woman.

(5) The [probable] gestational age of the unborn child at the time of the abortion.

(6) The type of procedure performed or prescribed and the date of the abortion.

(7) [Medical complications of the pregnancy, if any, including but not limited to, rubella disease, hydatid mole, endocervical polyp and malignancies,] Pre-existing medical conditions of the woman which would complicate pregnancy, if any, and, if known, any medical complication which resulted from the abortion itself.

(8) [The information required to be reported under section 3211(a) (relating to viability).] The basis for the medical judgment of the physician who performed the abortion that the abortion was necessary to prevent either the death of the pregnant woman or the substantial and irreversible impairment of a major bodily function of the woman, where an abortion has been performed pursuant to section 3211(b)(1).

(9) The [length and] weight of the aborted [unborn] child for any abortion performed [subsequent to the first 19 weeks of pregnancy] pursuant to section 3211(b)(1).

(10) Basis for any medical judgment that a medical emergency existed [as required by any part of this chapter] which excused the physician from compliance with any provision of this chapter.

(11) The information required to be reported under section [3210(b) (relating to abortion after viability)] 3210(a) (relating to determination of gestational age).

(12) Whether the abortion was performed upon a married woman and, if so, whether notice to her spouse was given. If no notice to her spouse was given, the report shall also indicate the reason for failure to provide notice.

§ 3215. Publicly owned facilities; public officials and public funds.

(b) Permitted treatment.—Nothing in subsection (a) shall be construed to preclude any hospital, clinic or other health facility from providing treatment for post-abortion complications[, or from permitting the performance of abortion where no other facility permitting abortion is available within a radius of 20 miles from the facility].

§ 3216. Fetal experimentation.

(a) Unborn or live child.—Any person who knowingly performs any type of nontherapeutic experimentation or nontherapeutic medical procedure (except an abortion as defined in this chapter) upon any unborn child, or upon any child born alive during the course of an abortion, commits a felony of the third degree. "Nontherapeutic" means that which is not intended to preserve the [child's] life or health of the child upon whom it is performed.

(b) Dead child.—[Experimentation upon children who have died during the course of an abortion may be conducted only upon the written consent of the mother: Provided, That no consideration for such consent is offered or given. Any person who knowingly violates this subsection commits a misdemeanor of the first degree.] The department shall, within 90 days of the effective date of this amendatory act, issue regulations with respect to the procurement, or use of any fetal tissue or organ, obtained from children who have died during the course of an abortion, for animal or human transplant, research or experimentation. The following minimum standards shall be incorporated into such regulations, and shall apply to the procurement, or use of such fetal tissue or organs pending the issuance of regulations by the department:

(1) No fetal tissue or organs may be procured or used without the written consent of the mother. No consideration of any kind for such consent may be offered or given. No consent shall be valid if given prior to the performance of the abortion.

(2) No person who provides the information required by section 3205 (relating to informed consent) shall employ the possibility of the use of aborted fetal tissue or organs as an inducement to a pregnant woman to undergo abortion.

(3) No remuneration, compensation or other consideration may be paid to any person or organization in connection with the procurement of fetal tissue or organs.

(4) All persons who participate in the procurement, use or transplantation of fetal tissue or organs, including the recipients of such tissue or organs, shall be informed as to whether the particular tissue or organ involved was procured as a result of either:

- (i) stillbirth;
- (ii) miscarriage;
- (iii) ectopic pregnancy;
- (iv) abortion; or
- (v) any other means.

(5) No person who consents to the procurement or use of any fetal tissue or organ may designate the recipient of that tissue or organ, nor shall any other person or organization act to fulfill that designation.

(6) The department may assess a civil penalty upon any person who procures, sells or uses any fetal tissue or organs in violation of this section or the regulations issued thereunder. Such civil penalties may not exceed \$5,000 for each separate violation. In assessing such penalties, the department shall give due consideration to the gravity of the violation, the good faith of the violator, and the history of previous violations. Civil penalties due under this paragraph shall be paid to the department for deposit in the State Treasury and may be enforced by the department in the Commonwealth Court.

The department shall at all times act in furtherance of the long-standing policy of this Commonwealth encouraging childbirth over abortion, and shall likewise further the policy that fetal transplantation or experimentation not affect the undergoing of abortion.

(c) Construction of section.—Nothing in this section shall be construed to condone or prohibit the performance of diagnostic tests while the unborn child is in utero, or the performance

of pathological examinations on an aborted child. Nor shall anything in this section be construed to condone or prohibit the performance of in vitro fertilization and accompanying embryo transfer.

§ 3217. Civil penalties.

Any physician who knowingly violates any of the provisions of section 3204 (relating to medical consultation and judgment) or 3205 (relating to informed consent) shall, in addition to any other penalty prescribed in this chapter, be civilly liable to his patient for any damages caused thereby and, in addition, shall be liable to his patient for punitive damages in the amount of \$5,000, and the court shall award a prevailing plaintiff a reasonable attorney fee as part of costs.

§ 3218. Criminal penalties.

(a) Application of chapter.—Notwithstanding any other provision of this chapter, no criminal penalty shall apply to a woman who violates any provision of this chapter solely in order to perform or induce or attempt to perform or induce an abortion upon herself. Nor shall any woman who undergoes an abortion be found guilty of having committed an offense, liability for which is defined under section 306 (relating to liability for conduct of another; complicity) or Chapter 9 (relating to inchoate crimes), by reason of having undergone such abortion.

§ 3220. Construction.

(a) Referral to coroner.—The provisions of section 503(3) of the act of June 29, 1953 (P.L.304, No.66), known as the "Vital Statistics Law of 1953," shall not be construed to require referral to the coroner of cases of abortions performed in compliance with this chapter.

(b) Other laws unaffected.—Apart from the provisions of subsection (a) and section 3214 (relating to reporting) nothing in this chapter shall have the effect of modifying or repealing any part of the "Vital Statistics Law of 1953" or section 5.2 of the act of October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania Human Relations Act."

(c) Required statement.—When any provision of this chapter requires the furnishing or obtaining of a nonnotarized statement or verification, the furnishing or acceptance of a notarized statement or verification shall not be deemed a violation of that provision.

Section 5. Title 18 is amended by adding a section to read:

§ 3221. Concurrent jurisdiction.

The Attorney General and the district attorneys of the several counties shall have concurrent authority to institute criminal proceedings under the provisions of this chapter.

Section 6. Section 4302 of Title 18 is amended to read:

Amend Bill, page 1, line 16, by striking out all of said line and inserting

Section 7. The provisions of this act are severable. If any word, phrase or provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect any other word, phrase or provision or application of this act which can be given effect without the invalid word, phrase, provision or application.

Section 8. The Department of Health shall create the forms required by sections 3209(e) and 3214(a) within 30 days after the effective date of this act, and shall cause to be published within 60 days after the effective date of this act, the printed materials described in section 3208(a).

Section 9. No provision of this act requiring the reporting of information on forms published by the Department of Health, or requiring the distribution of printed materials published by the Department of Health pursuant to section 3208 shall be applicable until ten days after the requisite forms are first created and printed materials are first published by the Department of Health or until the effective date of this act, whichever is later.

Section 10. This act shall take effect as follows:

(1) The provisions of sections 3209(e) and 3214(a) requiring the Department of Health to create forms and of section 3208(a) requiring the department to publish certain information shall take effect immediately.

(2) The remainder of this act shall take effect in 60 days.

On the question recurring,

Will the House agree to the amendments?

PARLIAMENTARY INQUIRY

Mr. PICCOLA. Mr. Speaker, point of parliamentary inquiry.

The SPEAKER. Will the gentleman from Dauphin, Mr. Piccola, state his point of parliamentary inquiry.

Mr. PICCOLA. In view of the fact that we have reconsidered the Freind amendment, what is the status of the amendments to that amendment that were adopted?

The SPEAKER. The Chair is advised by the Parliamentarian that assuming that the Freind amendment is readopted by the House, all of the amendments that have been adopted are also within the bill and there is no difficulty. If the amendment that Mr. Freind has offered fails at this time, all of the amendments that have been adopted become irrelevant, having nothing to attach to.

Mr. PICCOLA. Therefore, the reconsideration of the Freind amendment was a reconsideration of the amendment as amended?

The SPEAKER. The Chair does not necessarily agree with that interpretation.

Mr. PICCOLA. Mr. Speaker, I am still at a loss as to whether or not we are, by that vote, reconsidering all the amendments that were adopted.

The SPEAKER. We are reconsidering the Freind amendment as Mr. Freind offered it and as this House adopted it.

Mr. PICCOLA. Without the other amendments?

The SPEAKER. Without the other amendments.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—142

Table listing names of members who voted YEAS, including Adolph, Allen, Angstadt, Argall, Barley, Battisto, Belardi, Billow, Birmelin, Black, Blaum, Boyes, Bunt, Burd, Burns, Bush, Caltagirone, Cappabianca, Carlson, and Cawley.

Table listing names of members who did not vote (NAYS), including Cessar, Chadwick, Civera, Clark, B. D., Clark, D. F., Clark, J. H., Clymer, Cohen, Colafella, Colaizzo, Cole, Corrigan, Coy, DeLuca, Daley, Dempsey, Gruitza, Gruppo, Haluska, Hasay, Hayes, Herman, Hess, Howlett, Jadlowiec, Jarolin, Johnson, Kaiser, Kasunic, Kenney, Kondrich, Kosinski, Mrkonic, Murphy, Nailor, Noye, O'Brien, Olasz, Perzel, Petarca, Petrone, Phillips, Pitts, Raymond, Rieger, Robbins, Ryan, Tigue, Trello, Trich, Van Horne, Veon, Vroon, Wass, Weston, Wogan, Wozniak, Wright, D. R., Wright, J. L., and Yandrisevits.

NAYS—59

Table listing names of members who voted NAYS, including Acosta, Bishop, Bortner, Bowley, Brandt, Broujos, Carn, Cornell, Cowell, DeWeese, Davies, Dorr, Evans, Farmer, Fox, Freeman, Gladeck, Hagarty, Harper, Hayden, Heckler, Hughes, Itkin, Jackson, James, Josephs, Kukovich, Lashinger, Linton, McVerry, Maine, Merry, Michlovic, Miller, Moehlmann, Mowery, Nahill, O'Donnell, Oliver, Piccola, Pievsky, Pistella, Pressmann, Preston, Reber, Reinard, Richardson, Ritter, Robinson, Roebuck, Rudy, Saurman, Smith, B., Snyder, D. W., Thomas, Wambach, Williams, Wilson, and Wright, R. C.

NOT VOTING—0

EXCUSED—2

Belfanti Hershey

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

AMENDMENT A3341 RECONSIDERED

The SPEAKER. The Chair has before it a reconsideration motion on the Heckler amendment A3341, which was defeated earlier this day. The reconsideration motion is presented by Representative Broujos.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—197

Table listing names of members who voted YEAS on Amendment A3341, including Acosta, Adolph, Allen, Angstadt, Argall, Barley, Battisto, Billow, Birmelin, Bishop, Black, Blaum, Bortner, Bowley, Donatucci, Dorr, Durham, Evans, Fairchild, Fargo, Farmer, Fee, Fleagle, Flick, Foster, Fox, Freeman, Freind, Laughlin, Lee, Leh, Lescovitz, Letterman, Levdansky, Linton, Lloyd, Lucy, McCall, McHale, McNally, McVerry, Maiale, Rieger, Ritter, Robbins, Robinson, Roebuck, Rudy, Ryan, Rybak, Saloom, Saurman, Scheetz, Schuler, Scrimenti, and Semmel.

Boyes	Gamble	Maine	Serafini
Brandt	Gannon	Markosek	Smith, B.
Broujos	Geist	Marsico	Smith, S. H.
Bunt	George	Mayernik	Snyder, D. W.
Burd	Gigliotti	Melio	Snyder, G.
Burns	Gladeck	Merry	Staback
Bush	Godshall	Michlovic	Stairs
Caltagirone	Gruitza	Micozzie	Steighner
Cappabianca	Gruppo	Miller	Stish
Carlson	Hagarty	Moehlmann	Strittmatter
Carn	Haluska	Morris	Stuban
Cawley	Harper	Mowery	Tangretti
Cessar	Hasay	Mrkonic	Taylor, E. Z.
Chadwick	Hayden	Murphy	Taylor, F.
Civera	Hayes	Nahill	Telek
Clark, B. D.	Heckler	Nailor	Thomas
Clark, D. F.	Herman	Noye	Tigue
Clark, J. H.	Hess	O'Brien	Trello
Clymer	Howlett	O'Donnell	Trich
Cohen	Hughes	Olasz	Van Horne
Colafella	Itkin	Oliver	Veon
Colaizzo	Jackson	Perzel	Vroon
Cole	Jadlowiec	Pesci	Wambach
Cornell	James	Petrarca	Wass
Corrigan	Jarolin	Petrone	Weston
Cowell	Johnson	Phillips	Williams
Coy	Josephs	Piccola	Wilson
DeLuca	Kaiser	Pievsky	Wogan
DeWeese	Kasunic	Pistella	Wozniak
Daley	Kenney	Pitts	Wright, D. R.
Davies	Kondrich	Pressmann	Wright, J. L.
Dempsey	Kosinski	Preston	Wright, R. C.
Dietterick	Kukovich	Raymond	
Dininni	LaGrotta	Reber	Manderino, Speaker
Distler	Langtry	Reinard	
Dombrowski	Lashingner	Richardson	

NAYS—1

Gallen

NOT VOTING—3

Belardi Taylor, J. Yandrisevits

EXCUSED—2

Belfanti Hershey

The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,
Will the House agree to the amendments?

The clerk read the following amendments No. A3341:

Amend Sec. 4 (Sec. 3211), page 7, line 39 (A3332), by inserting after "woman
or where fatal anomalies have been diagnosed in the fetus

Amend Sec. 4 (Sec. 3211), page 8, line 2 (A3332), by inserting after "woman"
or where fatal anomalies have been diagnosed in the fetus

Amend Sec. 4 (Sec. 3211), page 8, line 10 (A3332), by inserting after "woman"
or where fatal anomalies have been diagnosed in the fetus

Amend Sec. 4 (Sec. 3211), page 8, line 19 (A3332), by inserting after "methods"
, or fatal anomalies have been diagnosed in the fetus

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—78

Acosta	Freeman	Merry	Robinson
Argall	Gladeck	Michlovic	Roebuck
Bishop	Godshall	Miller	Rudy
Bortner	Hagarty	Moehlmann	Saurman
Bowley	Harper	Mowery	Scheetz
Brandt	Hayden	Murphy	Semmel
Broujos	Heckler	Nahill	Smith, B.
Carn	Hughes	Nailor	Snyder, D. W.
Chadwick	Itkin	O'Donnell	Stairs
Cornell	Jackson	Oliver	Thomas
Cowell	James	Petrone	Trich
DeWeese	Josephs	Piccola	Van Horne
Davies	Kukovich	Pievsky	Veon
Dietterick	Lashingner	Pistella	Wambach
Dorr	Lee	Pressmann	Williams
Evans	Levdansky	Preston	Wilson
Fairchild	Linton	Reber	Wright, R. C.
Fargo	McVerry	Reinard	
Farmer	Maine	Richardson	Manderino, Speaker
Fox	Marsico	Ritter	

NAYS—123

Adolph	DeLuca	Kasunic	Rieger
Allen	Daley	Kenney	Robbins
Angstadt	Dempsey	Kondrich	Ryan
Barley	Dininni	Kosinski	Rybak
Battisto	Distler	LaGrotta	Saloom
Belardi	Dombrowski	Langtry	Schuler
Billow	Donatucci	Laughlin	Scrimenti
Birmelin	Durham	Leh	Serafini
Black	Fee	Lescovitz	Smith, S. H.
Blaum	Fleagle	Letterman	Snyder, G.
Boyes	Flick	Lloyd	Staback
Bunt	Foster	Lucyk	Steighner
Burd	Freind	McCall	Stish
Burns	Gallen	McHale	Strittmatter
Bush	Gamble	McNally	Stuban
Caltagirone	Gannon	Maiale	Tangretti
Cappabianca	Geist	Markosek	Taylor, E. Z.
Carlson	George	Mayernik	Taylor, F.
Cawley	Gigliotti	Melio	Taylor, J.
Cessar	Gruitza	Micozzie	Telek
Civera	Gruppo	Morris	Tigue
Clark, B. D.	Haluska	Mrkonic	Trello
Clark, D. F.	Hasay	Noye	Vroon
Clark, J. H.	Hayes	O'Brien	Wass
Clymer	Herman	Olasz	Weston
Cohen	Hess	Perzel	Wogan
Colafella	Howlett	Pesci	Wozniak
Colaizzo	Jadlowiec	Petrarca	Wright, D. R.
Cole	Jarolin	Phillips	Wright, J. L.
Corrigan	Johnson	Pitts	Yandrisevits
Coy	Kaiser	Raymond	

NOT VOTING—0

EXCUSED—2

Belfanti Hershey

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

AMENDMENT A3432 RECONSIDERED

The SPEAKER. The Chair has before it a reconsideration motion on the Murphy amendment, amendment A3432. The motion is that the amendment A3432, which was defeated earlier this day, be reconsidered.

On the question,
Will the House agree to the motion?

The following roll call was recorded:

YEAS—199

Table listing names of members who voted 'YEAS' for Amendment A3432, including Acosta, Adolph, Allen, Angstadt, Argall, Barley, Battisto, Belardi, Billow, Birmelin, Bishop, Black, Blaum, Bortner, Bowley, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Bush, Caltagirone, Cappabianca, Carlson, Carn, Cawley, Cessar, Chadwick, Civera, Clark, B. D., Clark, D. F., Clark, J. H., Clymer, Cohen, Colafella, Colaizzo, Cole, Cornell, Corrigan, Cowell, Coy, DeLuca, DeWeese, Daley, Davies, Dempsey, Dietterick, Dininni, Distler, Dombrowski, Donatucci, Dorr, Durham, Evans, Fairchild, Fargo, Farmer, Fee, Fleagle, Flick, Foster, Fox, Freeman, Freind, Gamble, Gannon, Geist, George, Gigliotti, Gladeck, Godshall, Gruitza, Hagarty, Haluska, Harper, Hasay, Hayden, Hayes, Heckler, Herman, Hess, Howlett, Hughes, Itkin, Jackson, Jadlowiec, James, Jarolin, Johnson, Josephs, Kaiser, Kasunic, Kenney, Kondrich, Kosinski, Kukovich, LaGrotta, Langtry, Lashinger, Laughlin, Lee, Leh, Lescovitz, Letterman, Levdansky, Linton, Lloyd, Lucy, McCall, McHale, McNally, McVerry, Maiale, Maine, Markosek, Marsico, Mayernik, Melio, Merry, Michlovic, Micozzie, Miller, Moehlmann, Morris, Mowery, Mrkonic, Murphy, Nahill, Nailor, Noye, O'Brien, O'Donnell, Olasz, Oliver, Perzel, Pesci, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Pressmann, Preston, Raymond, Reber, Reinard, Richardson, Rieger, Ritter, Robbins, Robinson, Roebuck, Rudy, Ryan, Rybak, Saloom, Saurman, Scheetz, Schuler, Scrimenti, Semmel, Serafini, Smith, B., Smith, S. H., Snyder, D. W., Snyder, G., Staback, Stairs, Steighner, Stish, Strittmatter, Stuban, Tangretti, Taylor, E. Z., Taylor, F., Taylor, J., Telek, Thomas, Tighe, Trello, Trich, Van Horne, Veon, Vroon, Wambach, Wass, Weston, Williams, Wilson, Wogan, Wozniak, Wright, D. R., Wright, J. L., Wright, R. C., Yandrisevits, and Manderino, Speaker.

NAYS—1

Gallen

NOT VOTING—1

Gruppo

EXCUSED—2

Belfanti

Hershey

The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,
Will the House agree to the amendments?

The clerk read the following amendments No. A3432:

Amend Sec. 3, page 4, lines 55 through 59; page 5, lines 1 through 47 (A3332), by striking out all of said lines on said pages
Amend Sec. 4, page 5, line 48 (A3332), by striking out "4" and inserting

3

Amend Sec. 5, page 11, line 38 (A3332), by striking out "5" and inserting

4

Amend Sec. 6, page 11, line 43 (A3332), by striking out "6" and inserting

5

Amend Sec. 7, page 11, line 46 (A3332), by striking out "7" and inserting

6

Amend Sec. 8, page 11, line 52 (A3332), by striking out "8" and inserting

7

Amend Sec. 8, page 11, line 53 (A3332), by striking out "sections 3209(e) and" and inserting

section

Amend Sec. 9, page 12, line 1 (A3332), by striking out "9" and inserting

8

Amend Sec. 10, page 12, line 9 (A3332), by striking out "10" and inserting

9

Amend Sec. 10, page 12, line 10 (A3332), by striking out "sections 3209(e) and" and inserting

section

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—73

Table listing names of members who voted 'YEAS' for the amendments, including Acosta, Bishop, Bortner, Bowley, Brandt, Carn, Chadwick, Cohen, Cornell, Cowell, DeWeese, Davies, Dorr, Evans, Farmer, Flick, Fox, Freeman, Gladeck, Hagarty, Harper, Hayden, Heckler, Howlett, Hughes, Itkin, Jackson, James, Josephs, Kukovich, Langtry, Lashinger, Levdansky, Linton, McNally, McVerry, Maiale, Maine, Marsico, Merry, Michlovic, Moehlmann, Mowery, Murphy, Nahill, Nailor, O'Donnell, Oliver, Petrone, Piccola, Pievsky, Pistella, Pressmann, Preston, Reber, Reinard, Richardson, Ritter, Roebuck, Rudy, Saurman, Scheetz, Smith, B., Snyder, D. W., Stairs, Thomas, Van Horne, Veon, Wambach, Williams, Wilson, Wright, D. R., and Wright, R. C.

NAYS—128

Table listing names of members who voted 'NAYS' for the amendments, including Adolph, Allen, Angstadt, Argall, Barley, Daley, Dempsey, Dietterick, Dininni, Distler, Kenney, Kondrich, Kosinski, LaGrotta, Laughlin, Ryan, Rybak, Saloom, Schuler, and Scrimenti.

Battisto	Dombrowski	Lee	Semmel
Belardi	Donatucci	Leh	Serafini
Billow	Durham	Lescovitz	Smith, S. H.
Birmelin	Fairchild	Letterman	Snyder, G.
Black	Fargo	Lloyd	Staback
Blaum	Fee	Lucyk	Steighner
Boyes	Fleagle	McCall	Stish
Broujos	Foster	McHale	Strittmatter
Bunt	Freind	Markosek	Stuban
Burd	Gallen	Mayernik	Tangretti
Burns	Gamble	Melio	Taylor, E. Z.
Bush	Gannon	Micozzie	Taylor, F.
Caltagirone	Geist	Miller	Taylor, J.
Cappabianca	George	Morris	Telek
Carlson	Gigliotti	Mrkonic	Tigue
Cawley	Godshall	Noye	Trello
Cessar	Gruitza	O'Brien	Trich
Civera	Gruppo	Olasz	Vroon
Clark, B. D.	Haluska	Perzel	Wass
Clark, D. F.	Hasay	Pesci	Weston
Clark, J. H.	Hayes	Petrarca	Wogan
Clymer	Herman	Phillips	Wozniak
Colaifella	Hess	Pitts	Wright, J. L.
Colaizzo	Jadlowiec	Raymond	Yandrisevits
Cole	Jarolin	Rieger	
Corrigan	Johnson	Robbins	Manderino,
Coy	Kaiser	Robinson	Speaker
DeLuca	Kasunic		

NOT VOTING—0

EXCUSED—2

Belfanti Hershey

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

AMENDMENT A3477 RECONSIDERED

The SPEAKER. The Chair has before it a reconsideration motion on amendment A3477. The motion by Ms. Ritter is that amendment A3477, which was defeated earlier today, be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—199

Acosta	Donatucci	Laughlin	Ritter
Adolph	Dorr	Lee	Robbins
Allen	Durham	Leh	Robinson
Angstadt	Evans	Lescovitz	Roebuck
Argall	Fairchild	Letterman	Rudy
Barley	Fargo	Levdansky	Ryan
Battisto	Farmer	Linton	Rybak
Belardi	Fee	Lloyd	Saloom
Billow	Fleagle	Lucyk	Saurman
Birmelin	Flick	McCall	Scheetz
Bishop	Foster	McHale	Schuler
Black	Fox	McNally	Scrimenti
Blaum	Freeman	McVerry	Semmel
Bortner	Freind	Maiale	Serafini
Bowley	Gamble	Maine	Smith, B.
Boyes	Gannon	Markosek	Smith, S. H.
Brandt	Geist	Marsico	Snyder, D. W.
Broujos	George	Melio	Snyder, G.
Bunt	Gigliotti	Merry	Staback

Burd	Gladeck	Michlovic	Stairs
Burns	Godshall	Micozzie	Steighner
Bush	Gruitza	Miller	Stish
Caltagirone	Gruppo	Moehlmann	Strittmatter
Cappabianca	Hagarty	Morris	Stuban
Carlson	Haluska	Mowery	Tangretti
Carn	Harper	Mrkonic	Taylor, E. Z.
Cawley	Hasay	Murphy	Taylor, F.
Cessar	Hayden	Nahill	Taylor, J.
Chadwick	Hayes	Nailor	Telek
Civera	Heckler	Noye	Thomas
Clark, B. D.	Herman	O'Brien	Tigue
Clark, D. F.	Hess	O'Donnell	Trello
Clark, J. H.	Howlett	Olasz	Trich
Clymer	Hughes	Oliver	Van Horne
Cohen	Itkin	Perzel	Veon
Colaifella	Jackson	Pesci	Vroon
Colaizzo	Jadlowiec	Petrarca	Wambach
Cole	James	Petrone	Wass
Cornell	Jarolin	Phillips	Weston
Corrigan	Johnson	Piccola	Williams
Cowell	Josephs	Pievsky	Wilson
Coy	Kaiser	Pistella	Wogan
DeLuca	Kasunic	Pitts	Wozniak
DeWeese	Kenney	Pressmann	Wright, D. R.
Daley	Kondrich	Preston	Wright, J. L.
Davies	Kosinski	Raymond	Wright, R. C.
Dempsey	Kukovich	Reber	Yandrisevits
Dietterick	LaGrotta	Reinard	
Dininni	Langtry	Richardson	Manderino,
Distler	Lashingier	Rieger	Speaker
Dombrowski			

NAYS—2

Gallen Mayernik

NOT VOTING—0

EXCUSED—2

Belfanti Hershey

The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,

Will the House agree to the amendments?

The clerk read the following amendments No. A3477:

Amend Sec. 4 (Sec. 3211), page 7, lines 36 through 39 (A3332), by striking out "either" in line 36, all of lines 37 and 38 and "woman" in line 39 and inserting the death, substantial risk of death, serious physical injury, serious physical illness, or protracted loss or serious impairment of a major bodily function of the pregnant woman

Amend Sec. 4 (Sec. 3211), page 7, line 59; page 8, lines 1 and 2 (A3332), by striking out "either the death of the pregnant woman" in line 59, page 7; all of lines 1 and 2, page 8 and inserting the death, substantial risk of death, serious physical injury, serious physical illness, or protracted loss or serious impairment of a major bodily function of the pregnant woman

Amend Sec. 4 (Sec. 3211), page 8, lines 8 through 10 (A3332), by striking out "either the death of the pregnant" in line 8, all of lines 9 and 10 and inserting the death, substantial risk of death, serious physical injury, serious physical illness, or protracted loss or serious impairment of a major bodily function of the pregnant woman

Amend Sec. 4 (Sec. 3211), page 8, lines 16 through 19 (A3332), by striking out "either of the" in line 16, all of lines 17 and 18 and "woman" in line 19 and inserting the death, substantial risk of death, serious physical injury, serious physical illness, or protracted loss or serious impairment of a major bodily function of the pregnant woman

On the question recurring,
Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the lady from Lehigh, Ms. Ritter.

Ms. RITTER. Thank you, Mr. Speaker.

Very briefly, I want to point out and I want to direct the members' attention to this: This is the maternal health amendment that was revised to include "serious impairment of a major bodily function." It is very narrowly drawn. We are asking for reconsideration because several members have said that they wanted to vote "yes" and did not get a chance to, so please pay attention to your vote.

We would ask for an affirmative vote from the members on this amendment. I would beg you to consider the women of Pennsylvania and vote for this amendment. Thank you.

The SPEAKER. On the amendment, from Delaware County, Representative Freind is recognized.

Mr. FREIND. Once again, Mr. Speaker, I urge my colleagues to defeat this amendment, as has been done previously. We feel that the standard that we have is an outstanding balance between the equities of the unborn baby and the mother. This would tremendously weaken it. The terms are indefinable. What we are getting back to is a broad-based health exception. I sincerely hope that we once again defeat the amendment. Thank you, Mr. Speaker.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—93

Acosta	Geist	McHale	Richardson
Angstadt	Gladeck	McVerry	Ritter
Bishop	Godshall	Maiale	Robinson
Blaum	Gruitza	Maine	Roebuck
Bortner	Hagarty	Mayernik	Rudy
Bowley	Harper	Merry	Ryan
Boyes	Hayden	Michlovic	Saurman
Brandt	Hayes	Miller	Scheetz
Broujos	Heckler	Moehlmann	Semmel
Carn	Herman	Mowery	Smith, B.
Chadwick	Hess	Murphy	Snyder, D. W.
Clark, D. F.	Howlett	Nahill	Snyder, G.
Clark, J. H.	Hughes	O'Donnell	Stairs
Cohen	Itkin	Oliver	Thomas
Cornell	Jackson	Petrone	Trich
Cowell	James	Piccola	Van Horne
DeWeese	Josephs	Pievsky	Veon
Davies	Kukovich	Pistella	Wambach
Dorr	Lashinger	Pressmann	Wass
Evans	Lee	Preston	Williams
Farmer	Levdansky	Raymond	Wilson
Flick	Linton	Reber	Wright, D. R.
Fox	Lloyd	Reinard	Wright, R. C.
Freeman			

NAYS—107

Adolph	Dempsey	Kosinski	Rybak
Allen	Dietterick	LaGrotta	Saloom
Argall	Dininni	Langtry	Schuler
Barley	Distler	Laughlin	Scrimenti
Battisto	Dombrowski	Leh	Serafini
Belardi	Donatucci	Lescovitz	Smith, S. H.
Billow	Fairchild	Letterman	Staback
Birmelin	Fargo	Lucyk	Steighner
Black	Fee	McCall	Stish

Bunt	Fleagle	McNally	Strittmatter
Burd	Foster	Markosek	Stuban
Burns	Freind	Marsico	Tangretti
Bush	Gallen	Melio	Taylor, E. Z.
Caltagirone	Gamble	Micozzie	Taylor, F.
Cappabianca	Gannon	Morris	Taylor, J.
Carlson	George	Mrkoncic	Telek
Cawley	Gigliotti	Nailor	Tigue
Cessar	Gruppo	Noye	Trello
Civera	Haluska	O'Brien	Vroon
Clark, B. D.	Hasay	Olasz	Weston
Clymer	Jadlowiec	Perzel	Wogan
Colafella	Jarolin	Pesci	Wozniak
Colaizzo	Johnson	Petrarca	Wright, J. L.
Cole	Kaiser	Phillips	Yandrisevits
Corrigan	Kasunic	Pitts	
Coy	Kenney	Rieger	Manderino,
DeLuca	Kondrich	Robbins	Speaker
Daley			

NOT VOTING—1

Durham

EXCUSED—2

Belfanti Hershey

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

The Chair recognizes the lady from Philadelphia, Ms. Josephs, on final passage.

Ms. JOSEPHS. Mr. Speaker, I request my 4 minutes, which I think I will not use, continuously.

The first thing I would like to do is propose a motion that since we have forced the women of Pennsylvania to wait for 24 hours before they can get their procedure, we wait for 24 hours until we vote on this bill. Only kidding, only kidding. That was a joke. But I think it points out what disrespect we have for the women here. We do not think that they can make up their minds, but we think we can make up ours, and I think that is pretty disrespectful.

The SPEAKER. Will the House please be in order.

Is the lady making a motion or not making a motion?

Ms. JOSEPHS. No, I am not.

The SPEAKER. The lady is not making a motion. She may continue with her debate.

Ms. JOSEPHS. Mr. Speaker, I have listened to this debate truly with sadness and with anger. I have worked in this movement, as I said, for more than 15 years and I should be used to the rhetoric of those people who would recriminalize abortion and make the women of Pennsylvania criminals, but I am still astounded by the disregard and the disrespect with which the proponents of this legislation treat their female colleagues, their constituents, and the women and their families who are rash enough to love them.

In this legislation there is no mercy for a woman who will be hurt, sickened, or die. Even now as we speak there is a woman, perhaps more than one, who is attempting to self-abort, and maybe that woman is your constituent. The message that we are sending out here tonight is confusing. When we first started to debate this bill in committee, there were two cases of self-abortion, and I fear there will be more. If you think that the description of the abortion procedure was stomach-wrenching that we were treated to here tonight, you should hear a description of a self-abortion and you should see a picture of a woman who is lying dead in her own blood. Right now somewhere a woman is risking her life, and the proponents of this legislation are responsible for what happens to her.

It has been said that this issue for us is one of personal philosophy. I do not agree. What we do here is a matter of public policy. Because of their scruples, those folks, those people who would make all abortion illegal if they could, have made themselves responsible for more late procedures than we should have, have forced women to have early procedures when they might not have any at all, and have voted to make the pill, the IUD, and other commonly used contraceptives illegal. Make no mistake about it. The defeat of Mr. Snyder's amendment made the pill and the IUD illegal as soon as Roe v. Wade is overturned, and your constituents will know it.

The SPEAKER. The lady has used all of her time.

Ms. JOSEPHS. Oh. Did I use 4 minutes?

The SPEAKER. You have used 4 minutes.

Ms. JOSEPHS. Oh. Sorry, Mr. Speaker, and thank you.

Mr. ACOSTA. Mr. Speaker, I have not spoken all night. Maybe I want to give her my 4 minutes.

The SPEAKER. Unfortunately, you cannot do that.

On whether or not the House will agree to the amendment, from Berks County, the Chair recognizes Representative Davies.

Mr. DAVIES. Thank you, Mr. Speaker.

We have come full circle on this issue over the past several years with this debate. We have gone from the fabricated secret secretion that prevented rape victims from becoming pregnant to the restrictive provisions of this amendment. These provisions would place a poor pregnant 18-year-old woman in dire jeopardy. She would be subject to a possible prosecution if she failed to inform a husband who may not care at all about her pregnancy. There is no responsibility placed upon the father in any portion of this legislation.

This amendment is filled with invasions of rights women maintain under current court ruling and the Constitution. In the case of incest not revealed before 24 weeks, a minor female could not qualify for abortion if she failed to reveal the same in that 24-week period. This again is another example of the major flaws in this legislation. It is as flawed as the sponsor's vehement claim to the label of "sanctity of life."

This legislation will not save women's lives in this Commonwealth, and I oppose the amendment.

The SPEAKER. The question is on the final passage of the bill. On that question, Representative Richardson from Philadelphia is recognized.

Mr. RICHARDSON. Mr. Speaker, thank you very much.

I rise, Mr. Speaker, to oppose SB 369 this evening, and I do so for several reasons. One, I want to say to Mr. Freind that abortions in Pennsylvania will not stop as a result of your ramrodding this bill down the throats of Pennsylvanians in this Commonwealth here this evening.

In July of this year, the Supreme Court's Webster decision let States restrict a woman's right to abortion. Instead of resolving the issue, they sent it back to the States to handle.

Women accustomed to the right to choose an abortion are indignant. They indicated very strongly, when you talk about indignant, they said that since Roe v. Wade - the Supreme Court of 1973 abortion rights decision - prochoice forces have had nothing much to fight against.

Since Webster, prochoice strategists have found that most voters have far more uneasiness about abortion than the immediate after-the-ruling polls indicated. Most favor the right to choose but want some restrictions.

The Catholic organization recognizes that fetal life has value. It has positions on when a fetus becomes a baby and when it has a soul. They dwell over questions of morality and ethics, not about constitutional rights.

In 1987 Representative Freind proposed to replace the State's 1982 Abortion Control Act because many of the major provisions were struck down by the U.S. Supreme Court. This bill, like the 1982 act, was a collection of reporting, funding, and medical procedures provisions designed to discourage abortions. Key sections of the 1982 law were rejected by a 5-4 vote. The majority opinion, written by Justice Harry A. Blackmun, said, and I quote, "The States are not free, under the guise of protecting maternal health or potential life, to intimidate women into continuing pregnancies."

Representative Freind, in his remarks to the Judiciary Committee— I would like to extend my 2 minutes, Mr. Speaker.

The SPEAKER. The gentleman's first 2 minutes have expired. Does the gentleman wish to continue for another 2 minutes?

Mr. RICHARDSON. I ask that my second 2 minutes, sir, be continued.

The SPEAKER. You may.

Mr. RICHARDSON. Representative Freind, in his remarks to the Judiciary Committee, stated, "Each year in America, we kill 1.5 million innocent unborn children."

In November of 1987, the Reagan administration set in motion a set of regulations that would result in a virtual ban on all forms of objective information about abortion to any of the persons receiving services from a federally funded family planning clinic.

The doctrinaire approach to religion and life is stifling to the general population and, in this instance, to women. Unlike the pursuit of a very narrow-minded, dogmatic approach, I suggest that we heed a society in which open-mindedness is not restricted to those issues which you select. I am

sure we should and do encourage the raising of questions about every aspect of life.

To quote Sister Faye Wattleton of Planned Parenthood, "You can't pick and choose on reproductive choices; women either have them or they don't." How quickly we seem to forget the days of septic abortions - Lysol and bleach injected into the uterus.

It is also extremely interesting that at the end of the Reagan era, we see that those who embrace the philosophy of anti-choice advocates begin their latest attack on this issue in order to keep George Bush more and more conservative on social issues that impact on the African-American, Hispanic, Asian, and other minority communities of this Commonwealth. This rise may be in part due to the election of an African-American woman as the president of the Planned Parenthood Federation of America 11 years ago. I am sure this is just one more of those coincidences.

If we look at the history of this debate, we can see that serious debate began in the early 1980's. This was the beginning of the Reagan-Thornburgh era. That was 9 years ago.

The Mexico City "Policy of 1984—"

The SPEAKER. The gentleman's time has elapsed.

Mr. RICHARDSON. Mr. Speaker, I would like to at some point, if there is a person who does not wish to use their 2 minutes—

The SPEAKER. The gentleman's time has elapsed.

PARLIAMENTARY INQUIRY

Mr. RICHARDSON. I would like to raise a point of parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. RICHARDSON. The point of parliamentary inquiry, Mr. Speaker, is that if there is another speaker on the floor of this House who would like to relinquish his time so that we may finish—

The SPEAKER. The 2-minute rule does not allow, in the Speaker's opinion, for one member to yield time to another member. Two minutes have been spoken twice by the gentleman, and he is not entitled to speak longer.

Mr. RICHARDSON. Thank you very much, Mr. Speaker.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The question is whether the House will agree on final passage to the bill before us. On final passage of the bill, from York County, Representative Bortner is recognized.

Mr. BORTNER. Thank you, Mr. Speaker.

At this stage of the debate, I do not think anybody's mind is going to be changed. I have some remarks I would like to become part of the record and would ask that they be submitted and become part of the record. Thank you.

The SPEAKER. The remarks can be and will be submitted for the record, and the Chair thanks the gentleman.

Mr. BORTNER submitted the following remarks for the Legislative Journal:

Much of the debate here today has focused on a woman's right to make certain decisions affecting her own body. I believe that such an analysis is far too limiting and that what is involved here is a far broader issue. I believe that this debate should focus on the issue of FREEDOM - the freedom to make choices affecting the most personal and private aspects of our lives.

Last night I pulled out my constitutional law book and reread *Griswold v. Connecticut*, which first recognized a right to privacy. That case was based on a Connecticut statute which banned the use of contraceptives and imposed criminal penalties on a marital couple for using them and on a doctor for counseling married couples on their use. The court held in that case that "There is a zone of privacy created by several fundamental constitutional guarantees" within which the government shall not intrude.

I believe we are intruding into that protected zone of privacy. I believe we are dictating decisions that are best left to the people we represent - our constituents - who must make their difficult decisions based on their own circumstances, religious beliefs, and their conscience - the same people who must also live with the consequences of such decisions.

I believe we are embarking up that slippery slope which takes away one of those most basic freedoms. Is it so implausible to conceive that a government that today can tell a woman that she cannot have an abortion could at some point also tell a woman that she must have an abortion at some future time?

We should recognize that despite our own personal feelings, there are some areas where government just does not belong. I believe this is one of those areas and urge my colleagues to oppose this legislation for that reason.

The SPEAKER. From Allegheny County, Representative Preston is recognized.

Mr. PRESTON. Thank you, Mr. Speaker.

I have listened with great concern concerning this issue that we have listened to. I have heard some of my colleagues around me away from the microphones getting involved in some very heated and argumentative discussions. I have watched this process not really be skirted but be misused, in my opinion. I have watched us limit ourselves to be able to say exactly what we want to say and what we feel at particular discretions. Let us look and see exactly what we have done.

Some of the things that we have said are that a woman who is married must stand up and sign a form that she has informed her husband, but it is different for single. But yet in a sense, to the husband we have not put the same restrictions.

We have sat down and required people who would want to be able to offer their constitutional right to be able to express, and I think that that is one of the greatest things that we can do to the masses - to be able to offer them a chance to be able to vote something up or down once we have put it together as far as legislation. We have denied their right.

We have taken children, babies that will be born possibly addicted to a narcotic drug form, AIDS, and potentially other diseases, we have refused outwardly by a recorded vote to give them the adequate care, and that is a lot of what this has to deal with, the appropriate health care. Some of the different things that we have sat down to—

If I may continue on with my 2 additional minutes, Mr. Speaker, that you have granted me.

So we have denied an awful lot of people—and basically a lot of this deals with the socioeconomic posture of what we are doing here as a legislature—we are denying those again who have not to be able to be granted a right to have adequate and proper health care, a right to be able to grow up to receive the proper instructions and information—not just the babies but the adults, whether they be teenagers or grown adults—to be able to have the proper health care.

All we are caring about, in my opinion, is saying that you cannot do something but denying the right and performing the proper benefit and the money behind it to provide for the end result.

Those of you in the rural districts remember this 4 or 5 years from now when you come to this House and you are going to be asking for money for these clinics, asking for money for the health care that is not going in your districts now, and remember that you created this from your statement. So basically all we are doing is denying a group of people a right to be able to express themselves and be able to put the money where our mouths are. We have not done that. That is too bad.

I would still ask for a negative vote on SB 369.

The SPEAKER. The question is whether the House will agree to the bill on final passage. The Chair recognizes Representative Ritter from Lehigh County on final passage.

Ms. RITTER. Mr. Speaker, this is a very sad day for this House and the women of Pennsylvania. This bill is cruel and mean spirited.

We have told the women of Pennsylvania today that they must continue to carry a fetus that will die at birth for weeks or even months. We have told the women of Pennsylvania that they must risk stroke, toxemia, and many other very serious medical conditions without the option of an early delivery to save major bodily function. We have told women who are suicidal that they should go ahead and kill themselves. We have told physicians that women have less value than a fetus, even when that fetus is not viable. We have rejected language upheld by the Supreme Court in the Webster decision. We have told the people of this State that they are not capable of deciding this issue as a referendum, that this bill is too complicated for them to understand. In fact, one speaker even suggested that some members of this House are not capable of understanding this bill.

We are acting on a bill that has been in this chamber less than 3 weeks because members want to get this issue behind us. This vote tonight will not put this issue behind us. Polls and public opinion suggest that the tide is turning on this issue out there in the real world, and most of my colleagues are about to miss the boat. Thank you, Mr. Speaker.

The SPEAKER. The question is on final passage. On that question, from Philadelphia, Representative Harper is recognized.

Mrs. HARPER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose SB 369. I know that we do have some weak women; we have some strong women. We have some weak men, and we have some strong men. But the strong must bear the infirmness of the weak, and I shall continue to stand up for the weak and for those who cannot help themselves.

Wealthy women have always paid for their abortions. Poor women have had to abort themselves and do the best that they can, but I shall continue to fight for those poor women.

I have been very fortunate. I have always had a job. I have always had enough money to buy the things that I really wanted and needed. Some women do not have that privilege, but I shall continue to fight for them and oppose this type of legislation. Thank you.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. On final passage, the Chair recognizes, from Centre County, Representative Rudy.

Mrs. RUDY. Thank you, Mr. Speaker.

Mr. Speaker, due to the lateness of the hour, I would like to submit my remarks for the record. Thank you.

The SPEAKER. The lady is in order. The remarks will be sent to the clerk for submission into the record.

Mrs. RUDY submitted the following remarks for the Legislative Journal:

I urge you to vote "no" on the 1989 Abortion Control Act.

As a Representative from a rural district, which includes many poor women, I am horrified by the impact that this bill will have on these women in particular. The 24-hour waiting period will needlessly require these women to travel long distances on two occasions to obtain an abortion. In fact, testimony before the House Judiciary Committee (Sue Roselle, Women's Health Services of Pittsburgh) indicated that in 1988, over 700 rural women traveled over 100 miles one way to reach a Pittsburgh women's health center.

This will require taking additional days from work, getting child care for two visits, and paying for overnight lodging. Many of my constituents simply cannot afford these added expenses and will, therefore, be prevented from obtaining a safe, legal abortion. I fear that some of these women will resort in desperation to dangerous and unsafe, illegal or self-induced abortions.

Other provisions in this dangerous bill require that these women be given information that may mislead and confuse them. This information will not include real-world information about the unavailability of adoptive homes for many children and the difficulty of obtaining adequate child support.

Other provisions in this bill will needlessly increase the cost of early abortions by requiring physicians to perform unnecessary investigatory tests. Again, for many women in my district these increased costs will take the option of a safe, legal abortion away from them. I implore you to reject this bill so that these women will not be returned to coathangers and back alleys.

As a rural Representative, I urge your "no" vote on the Abortion Control Act. Thank you.

The SPEAKER. From Montgomery County, Representative Saurman is recognized.

Mr. SAURMAN. Thank you, Mr. Speaker.

From an objective viewpoint, one has to wonder why the Pennsylvania House today has been engaged in another round of legislative efforts on the issue of abortions. Current law already prohibits abortions after viability except in those instances where an abortion is necessary to preserve the life or health of the mother. The basic thrust of this new legislation sets 24 weeks rather than viability as the time. In the past year, one abortion was performed later than 26 weeks. Ninety-three and one-half percent of all abortions took place in the first trimester.

Passage of this new legislation will not reduce the number of abortions performed in Pennsylvania over the next year. Its provisions will cause further difficulty for women. It will add greater cost. It will cause delay, but it does not and cannot deny a woman an abortion, because that remains a constitutional right for women.

Spousal notification sets a very frightening precedent in our Commonwealth. As if we have not already interfered too much in people's private lives, now we are going to establish parameters within which a marriage is to function. Further, Representative Freind indicates that court challenges to this provision to notify a spouse have been upheld as constitutional. Somehow only spouses must be so notified, but no such provision is made regarding nonspousal fathers. The Constitution makes no such distinction.

Requirements to determine gestational age are of no concern to the Commonwealth until after viability, yet attempts to remove these kinds of harassment were denied as amendments were offered, and other specific provisions for which there has been no indication of a need have been denied as those amendments were offered.

The Supreme Court has indicated in its recent decision that abortions can be controlled on a rational basis, yet rational arguments to make changes in areas—1 would like the second 2 minutes—which will most certainly be challenged in court were voted down as in past votes on this issue. The last round of court cases on antiabortion legislation has cost the Commonwealth a great deal of money. I have fought for more money for handicapped children, for retarded citizens of all ages, for education in general as well as special education. That amount of money spent in court could have served some of these purposes.

What we really should be about is the prevention of teenage pregnancy and other unwanted pregnancies. We must deal with latchkey children - most teenage pregnancies occur between 3 and 5 in the afternoon. We must emphasize television literacy and campaign to offset the negative influence of bedhopping featured in these soap operas. Our churches and synagogues must renew their efforts in assisting our young people in making important decisions about their lifestyle.

The proliferation of abortions is a symptom of moral decay shared with drugs and alcohol abuse. This new legislation will not change that situation one bit. It could compound it in that concerned people might feel that with its passage the fight is over. It is unfortunate that both sides of this issue have not joined hands to deal with the real issue, that of unwanted pregnancy. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question of whether or not the bill should pass finally, from Philadelphia, Representative Weston is recognized.

Mrs. WESTON. Thank you, Mr. Speaker.

I believe this is a bright and happy day for Pennsylvania because I believe we are taking one step further in placing a higher value on all human life, and I am proud to be a part of this moment.

I just want to pledge to those who think that we who are on the side of life on this issue, as a minority member of this House, as I have in the past, I will certainly work very hard for all the needy concerns of all Pennsylvanians. Thank you, Mr. Speaker.

The SPEAKER. From Philadelphia County, the Chair recognizes Representative Hughes.

Mr. HUGHES. Mr. Speaker, I want to urge a negative vote on final passage. This, Mr. Speaker, is a dark and dismal day for the State of Pennsylvania, a dark and dismal day for all of us - for the women, the children, the men, and everyone who lives in this State of Pennsylvania. Mr. Speaker, we are setting here today potential precedent for the entire Nation. Pennsylvania Representatives will rue the day that this occurred.

We have asked women today, Mr. Speaker, to carry dead babies to term and not given them an opportunity to seek relief. We have asked, Mr. Speaker, to provide support for life, Mr. Speaker, for women when they gave birth, and that has been denied them. We have asked, Mr. Speaker, and we have allowed, Mr. Speaker, the Pennsylvania House of Representatives and the lawmakers of this Commonwealth to enter into the inner sanctum of the personal relationships and the private relationships of spouses. We have asked, Mr. Speaker, for poor women to continue their status in this Commonwealth as second-class citizens. We have done all this, Mr. Speaker, in a State, in a Commonwealth, where reproductive health services are basically nonexistent. We will rue the day that we took this action, Mr. Speaker. We have made a major error in judgment with women of all classes in this Commonwealth, and we will rue this day.

I ask for a negative vote, Mr. Speaker, on final passage.

The SPEAKER. The Chair recognizes, from Philadelphia, for the first time today, Representative Acosta.

Mr. ACOSTA. Thank you, Mr. Speaker.

One of the previous speakers - Mr. Richardson - I could never understand his statement when he began to speak, so I would like to ask him, I would like to interrogate him, if I could.

The SPEAKER. The gentleman, Mr. Richardson, certainly will consent to interrogation. The gentleman is in order to proceed.

Mr. ACOSTA. Mr. Speaker, I would like you to continue your statement.

Mr. RICHARDSON. Mr. Speaker, I would like to respond to the gentleman's question concerning the Mexico City "Policy of 1984" lawsuit by—

The SPEAKER. The Chair was unable to hear the question put to Mr. Richardson by Mr. Acosta. The purpose of interrogation is to elicit information, to ask questions of speakers. I was unable to discern the question in the gentleman's statement.

Mr. ACOSTA. Mr. Speaker, in order for me to ask questions, I would like to have him finish his statement that he was making.

The SPEAKER. I do not know how long I should continue this battle, but I still did not hear the question.

Mr. Richardson, did you hear the question?

Mr. RICHARDSON. Yes, sir, Mr. Speaker; I did.

The SPEAKER. Then you had better answer it.

Mr. ACOSTA. Mr. Speaker, I would like to hear your concerns about the poor women of the State of Pennsylvania.

Mr. RICHARDSON. Mr. Speaker, I will try to answer to the best of my ability.

The SPEAKER. You only have 2 minutes or what is left of the 2 minutes.

Mr. RICHARDSON. The Mexico City "Policy of 1984" lawsuit by Planned Parenthood was dismissed in 1987. This policy was designed to cut off the agency for international family planning ability to offer abortions, referrals, or counseling about abortion even if those programs are underwritten by private funds.

At or about the same time, the Reagan administration announced a policy which is comparable on the domestic front. Federal regulations were promulgated to have clinics and agencies lose Federal family planning grants through Title 10 of the Public Health Service Act if they provide abortions, abortion counseling and referrals, or simply advise women of the availability of abortion.

May I have 2 minutes to continue, Mr. Speaker?

The SPEAKER. No. It is not your floor time.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Would you like to submit your remarks for the record?

Mr. RICHARDSON. Yes, Mr. Speaker. I would like to submit the remarks.

The SPEAKER. I will give you the opportunity to do that in summation.

Mr. RICHARDSON. Thank you very much, Mr. Speaker.

The SPEAKER. The gentleman may submit the balance of the remarks for the record.

Mr. RICHARDSON submitted the following remarks for the Legislative Journal:

Mr. Speaker, I rise to oppose this bill.

In July of this year, the Supreme Court's Webster decision let States restrict a woman's right to abortion.

Instead of resolving the issue, they sent it back to the States to handle. Women accustomed to the right to choose an abortion are indignant. Since *Roe v. Wade*, the 1973 Supreme Court abortion rights decision, prochoice forces have had nothing much to fight against.

Since Webster, prochoice strategists have found that most voters have far more uneasiness about abortion than the immedi-

ate after-the-ruling polls indicated. Most favor the right to choose but want some restrictions.

The Catholic organization recognizes that fetal life has value. It has positions on when a fetus becomes a baby and when it has a soul. They dwell over questions of morality and ethics, not about constitutional rights.

In 1987 Steve Freind proposed to replace the State's 1982 Abortion Control Act because many of the major provisions were struck down by the U.S. Supreme Court.

This bill, like the 1982 act, was a collection of reporting, funding, and medical procedures provisions designed to discourage abortions. Key sections of the 1982 law were rejected by a 5-4 vote. The majority opinion, written by Justice Harry A. Blackmun, said, "The States are not free, under the guise of protecting maternal health or potential life, to intimidate women into continuing pregnancies."

Representative Freind, in his remarks to the Judiciary Committee, stated, "Each year in America, we kill 1.5 million innocent unborn children."

In November of 1987 the Reagan administration set in motion a set of regulations that would result in a virtual ban on all forms of objective information about abortion to any person receiving services from a federally funded family planning clinic.

The doctrinaire approach to religion and life is stifling to the general population and, in this instance, to women. Unlike the pursuit of a very narrowminded, dogmatic approach, I suggest that we heed a society in which openmindedness is not restricted to those issues which you select. I am sure we should and do encourage the raising of questions about every aspect of life.

To quote Sister Faye Wattleton of Planned Parenthood, "You can't pick and choose on reproductive choices; women either have them or they don't." How quickly we seem to forget the days of septic abortions (Lysol and bleach injected into the uterus).

It is also extremely interesting that at the end of the Reagan era, we see those who embrace the philosophy of the antichoice advocates begin their latest attack on this issue in order to keep George Bush more and more conservative on social issues that impact on the African-American, Hispanic, Asian, and other minority communities of this Commonwealth. This rise may be in part due to the election of an African-American woman as the president of the Planned Parenthood Federation of America 11 years ago. I am sure this is just one more of those coincidences.

If we look at the history of this debate, we can see that serious debate began in the early 1980's. This was the beginning of the Reagan-Thornburgh era. That was 9 years ago.

The Mexico City "Policy of 1984" lawsuit by Planned Parenthood was dismissed in 1987. This policy was designed to cut off the agency for international family planning ability to offer abortions, referrals, or counseling about abortion, even if those programs are underwritten by private funds.

At or about the same time, the Reagan administration announced a policy which is comparable on the domestic front. Federal regulations were promulgated to have clinics and agencies lose Federal family planning grants through title 10 of the Public Health Service Act if they provide abortions, abortion counseling, and referrals, or simply advise women of the availability of abortion, even when such counseling is privately funded. The only exception was that the family planning program could operate if they maintained separate facilities, files, records, and phone numbers.

Let me address the issue of how the Supreme Court decision to allow States to restrict abortions impacts on African-Americans and the poor. This decision maintained the rights of States to restrict abortions in certain circumstances, including the first trimester of pregnancy. The Missouri statute that was upheld by the court placed restrictions on the use of public facilities and funds for abortions and on State assistance in obtaining abortions.

One of the serious side issues to the right to an abortion is a civil rights issue. John Jacobs, president of the National Urban League, said, "Whatever one's personal beliefs regarding the propriety of abortion, it would be a disastrous mistake to rescind constitutional protection for it, especially since the energies of the anti-abortionists are directed at restricting the rights of women, especially poor women!"

The impact of this decision can be seen if one looks at how a poor woman can obtain an abortion. She must be the victim of abusive family members (incest) or be a victim of the heinous act of rape in Pennsylvania. If they obtain an abortion, it will be, at the very least, unsafe. The impact of the psychological or mental health trauma associated with the act of incest or rape has not been discussed or had costs attached to it.

One of the other negative aspects of this decision is that it paves the way for compulsory pregnancy for many African-American, Hispanic, Asian, and white poor women, who already face limited opportunities for economic advancement.

One of the keys to understanding what the impact of the Supreme Court decision and its Pennsylvania sister legislation will have on women is to listen and understand what the Religious Coalition of Abortion Rights has to say about abortion and poor women. Prior to 1973, women of color were overrepresented among the women who died, were left sterile, maimed, or suffered serious medical complications as a result of illegal abortions. Between 1975 and 1979, several years after legalization of abortion, 82 percent of the women who died from illegal abortions were African-Americans and Hispanics.

Almost all women who seek abortions are relatively young and early in their pregnancies, so most abortions are safely performed in outpatient settings: 87 percent in nonhospital clinics and physicians' offices, and 10 percent in nonhospital-based outpatient services.

This issue, Mr. Speaker, is about morality, sex, power, and class.

On the issue of morality, this word is associated with being good, pure, and virtuous. I would dare to say that all of these adjectives are subjective, and therefore, subject to interpretation. So what makes Mr. Freind and his friends morally right? Not anything other than the fact that he has browbeaten this General Assembly into thinking that his position is the only one to take.

Sexual behavior of the poor has always been a favorite topic for those who had Victorian upbringing and who seem to think that their sexual behavior should be imitated. Mr. Speaker, on that issue, I would suggest that we check the behavior of our society, and in my estimation, we cannot take the moral high ground.

We all understand power to mean able, capable, and influential, to have dominion. In this setting, there should be no question as to who has the power - white Anglo-Saxon males! Not one of this majority has the biological capability of reproducing a baby, but they sit in judgment of those who are grossly underrepresented.

As far as class is concerned in this Commonwealth and across this country, we have witnessed the ongoing support for a socio-economic political class system that rewards the rich and punishes those who, through no fault of their own, are poor.

In closing, Mr. Speaker, I would have to say that this argument should be reduced to what it is: We have an arrogant, self-righteous group of people hiding behind religious doctrine trying to impose their will on people whose rights are protected by the Constitution and the civil rights laws of this country.

The contradiction in their line of thinking should be exposed for what it is - contradictory and hypocritical.

1 - They want women to have children, whether they can afford to or not;

2 - But they have not supported programs that address the prenatal or postnatal care;

3 - They say give the child to an adoption agency;

4 - But in Pennsylvania, there is no adoption system in place, and there is no money for one;

5 - They advocate for this child at conception but will impose the death penalty on this person without the benefit of the educational tools to ensure success in this system;

6 - They promote freedom, but black and poor women are locked into economic captivity; and finally,

7 - They say no abortions for the poor but readily available abortions for those who can afford it or those who have a current credit card.

Thank you, Mr. Speaker.

The SPEAKER. From Philadelphia County, Representative Thomas is recognized.

Mr. THOMAS. Mr. Speaker, I rise in opposition to SB 369, and if the vote on SB 369 goes as the myriad of amendments have gone this evening, then I only ask my colleagues that we be prepared to deal with three things upon returning to the House. One, we must prepare for the avalanche of litigation, the hostility that we have unleashed in the communities of the Commonwealth of Pennsylvania. Passage of SB 369 will definitely result in growing hostility as to the role of the Pennsylvania General Assembly.

I remind my colleagues about what happened in the State of Florida once Webster was decided. No one could predict the degree of hostility that was unleashed in poor women and women across the State of Florida, and if an election could have been held when that General Assembly was reconvened to deal with this question, I think that we all would see a different situation in Florida right now.

Secondly, we have gone forward tonight through amendments and probably through SB 369 restricting, restricting a woman's right to make her own decision as it relates to her body. We have restricted that. We have gone so far as to say that it is the role of the Pennsylvania General Assembly to decide when and under what circumstances the whole doctrine of spousal notice should be given and whom it should be given to. I think we have gone far beyond the intent of this General Assembly and we are going to reap the whirlwind of that in the courts. So I hope that we will be prepared to deal with that.

Lastly, there were a number of amendments—

The SPEAKER. The gentleman's 2 minutes have expired.

Mr. THOMAS. May I have 1 more minute?

The SPEAKER. You are entitled to an additional 2 minutes if you wish to take them at this time.

Mr. THOMAS. Yes, I would like to take those 2 minutes.

The SPEAKER. You are in order.

Mr. THOMAS. Lastly, we have seen a number of amendments this evening asking that the General Assembly consider the unwanted children that exist across the Commonwealth of Pennsylvania for whom we have neither provided shelter nor provided basic services. We have also seen a number of amendments to deal with women who are trapped in a situation from chemical dependency and from other illnesses that they have no way out. Somebody has to bear their burden, and in response to those amendments tonight, we rejected those amendments.

So upon return, we are going to have to take the necessary steps to insure that no Pennsylvanian has to suffer at the level that thousands of Pennsylvanians are suffering in the Commonwealth of Pennsylvania right now. We cannot continue to overlook that. It is our responsibility. We have both a moral and a financial obligation to deal with those people throughout the Commonwealth. So all I ask is upon return, after we have freshened up and have our focuses clear, that we entertain those three questions, because we will have to deal with them.

Thank you. I urge opposition to SB 369.

The SPEAKER. From Allegheny County, Representative Gamble is recognized on final passage.

Mr. GAMBLE. I rise to support the Freind amendment and to congratulate Representative Freind on an excellent job as floor leader on the prolife amendment.

The winds of change are blowing across this country, and I am proud to be a part of this General Assembly of Pennsylvania, to be the first State to bring about that change. Tonight we have at least curtailed the notion that anything and everything does not go in Pennsylvania, and tonight, when we vote on this prolife amendment, we will strike a blow for what is good, what is decent, what is right, and what is profamily when we pass the prolife amendment. Thank you.

The SPEAKER. From Philadelphia County, Representative Linton is recognized on the final passage of the bill.

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, I am glad I am not in the boat with Representative Gamble, because it is clear that he does not know which way the wind is blowing.

I have joined here today with many of my colleagues in trying to support reproductive rights for the women in Pennsylvania. However, it is apparent that a majority of my colleagues are not interested in voting the interests of their constituency, are intent on voting their personal choice on this matter, a choice you have denied the women of Pennsylvania.

But I would like to know, Mr. Speaker, where are these, as they call themselves, so-called prolife individuals when the women in this Commonwealth seek to provide financial assistance for their children? We saw this evening by the vote on the amendment that I offered that they chose not to provide the financial support for those children so that they can live a productive life in this society. Where were those so-called prolife, which I choose to call antichoice, individuals when we attempted tonight to try to make sure that there was adequate care for crack-addicted babies, when we tried to make sure that those babies who are afflicted with AIDS got adequate care? Where were those who said they want to support life? Well, they stood up and said, this is a happy hour in Pennsylvania. They said to the women of this Commonwealth, do not worry; be happy. Do not worry if you have to provide for a child without resources; be happy. Do not worry if you are not going to be able to provide a home for your crack-addicted granddaughter, grandmother; be happy. This callous legislative body has said to women in this Commonwealth, do not worry; be happy. Unfortunately—unfortunately—we are going to have to live with our actions here today.

May I ask, Mr. Speaker, for my final 2 minutes?

The SPEAKER. The gentleman is in order.

Mr. LINTON. We will be forced to deal with the truth behind the decision we made today by more coathanger, cocaine abortions, thrown away and beaten children, juvenile delinquents, and children who grow up into bitter, disenfranchised adults who will turn their backs on a system run by men who care only about their own wants and needs and only those people when it serves them politically. These are the chickens, my friends, which are coming home to roost and will soon become the downfall of Pennsylvania and of America. These are the young folks in these neighborhoods who are selling drugs. These are the young folks in these neighborhoods that are being abused. These are the young folks that you are concerned about dealing with every day in this House, but you are saying to those mothers, you must have them no matter what your financial ability is. I think you should have to live with this.

Thank you, Mr. Speaker. I ask for a negative vote on SB 369.

The SPEAKER. The Chair thanks the gentleman.

RULE 15 SUSPENDED

The SPEAKER. Rule 15 of the House of Representatives requires that the House adjourn at 11 p.m. We are several minutes away from that.

Without objection, the Chair will suspend for a very short period of time beyond 11 o'clock so that we may complete the work on this bill. The Chair hears no objection.

CONSIDERATION OF SB 369 CONTINUED

The SPEAKER. Representative Heckler from Bucks County is recognized on final passage.

Mr. HECKLER. Thank you, Mr. Speaker.

This legislation was introduced less than 1 month ago. It was not available for amendments in the substantive committee in which it was considered. Today we have amended it into a Senate bill so that it will be unavailable for the normal deliberative processes of that body. Many across the United States have suggested that it is the State legislatures of our Nation and not our courts where matters concerning these vital and fundamentally personal matters should be decided. I would suggest that this process should raise profound questions about that belief.

Because of the process by which we have reached this moment and because of the contents of this legislation, I urge the defeat of SB 369.

On the question recurring,

Shall the bill pass finally?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

Adolph	Dininni	LaGrotta	Rybak
Allen	Distler	Langtry	Saloom
Angstadt	Dombrowski	Laughlin	Scheetz
Argall	Donatucci	Lee	Schuler
Barley	Durham	Leh	Scrimenti
Battisto	Fairchild	Lescovitz	Semmel
Belardi	Fargo	Letterman	Serafini
Billow	Farmer	Levdansky	Smith, S. H.
Birmelin	Fee	Lloyd	Snyder, G.
Black	Fleagle	Lucyk	Staback
Blaum	Flick	McCall	Stairs
Boyes	Foster	McHale	Steighner
Bunt	Freind	McNally	Stish
Burd	Gallen	Maiale	Strittmatter
Burns	Gamble	Markosek	Stuban
Bush	Gannon	Marsico	Tangretti
Caltagirone	Geist	Mayernik	Taylor, E. Z.
Cappabianca	George	Melio	Taylor, F.
Carlson	Gigliotti	Micozzie	Taylor, J.
Cawley	Godshall	Morris	Telek
Cessar	Gruitza	Mrkonic	Tigue
Chadwick	Gruppo	Murphy	Trello
Civera	Haluska	Nailor	Trich
Clark, B. D.	Hasay	Noye	Van Horne
Clark, D. F.	Hayes	O'Brien	Veon
Clark, J. H.	Herman	Olasz	Vroon
Clymer	Hess	Perzel	Wass
Cohen	Howlett	Pesci	Weston
Colafella	Jadlowiec	Petrarca	Wogan
Colaizzo	Jarolin	Petrone	Wozniak
Cole	Johnson	Phillips	Wright, D. R.
Corrigan	Kaiser	Pitts	Wright, J. L.
Coy	Kasunic	Raymond	Yandrisevits
DeLuca	Kenney	Rieger	
Daley	Kondrich	Robbins	Manderino, Speaker
Dempsey	Kosinski	Ryan	
Dietterick			

NAYS—58

Acosta	Gladeck	Merry	Reinard
Bishop	Hagarty	Michlovic	Richardson
Bortner	Harper	Miller	Ritter
Bowley	Hayden	Moehlmann	Robinson
Brandt	Heckler	Mowery	Roebuck
Broujos	Hughes	Nahill	Rudy
Carn	Itkin	O'Donnell	Saurman
Cornell	Jackson	Oliver	Smith, B.
Cowell	James	Piccola	Snyder, D. W.
DeWeese	Josephs	Pievsky	Thomas
Davies	Kukovich	Pistella	Wambach
Dorr	Lashinger	Pressmann	Williams
Evans	Linton	Preston	Wilson
Fox	McVerry	Reber	Wright, R. C.
Freeman	Maine		

NOT VOTING—0

EXCUSED—2

Belfanti Hershey

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

HOUSE SCHEDULE

The SPEAKER. For the information of members of the House, the House of Representatives will be in token session tomorrow. There will be no votes taken, but there is the necessity of positioning bills for the next session of the House. There is necessity of making sure that all of the amendments adopted today are printed in the bill and presented properly to the Senate.

We will be in token session tomorrow at 11 a.m. The House of Representatives, I repeat, will be in token session; there will be no votes. At 11 a.m. tomorrow we will be in token session, and we will not be in session next week. We will not be in session next week nor the week after. We will return the 13th day of November for session.

Is there additional business to come before the House from the majority party? Is there any further business from the minority party?

VOTE CORRECTIONS

The SPEAKER. The Chair will take corrections of votes at this time.

From Northampton County, Representative Freeman is recognized.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, on the Ritter amendment A3453 to SB 369, I was not recorded. I would like to be recorded in the affirmative.

The SPEAKER. The gentleman's remarks will be spread upon the record.

From Carbon County, Representative McCall is recognized.

Mr. McCALL. Thank you, Mr. Speaker.

On the Freind amendment, amendment 3400 to SB 369, my vote was not recorded. I would like the record to show I would have voted in the affirmative.

The SPEAKER. The gentleman's remarks will be spread upon the record.

From Delaware County, Representative Wright is recognized.

Mr. R. C. WRIGHT. Mr. Speaker, on October 16 on HB 176, the Michlovic amendment A3204, I would like to reflect that my vote should have been in the positive.

The SPEAKER. The gentleman's remarks will be spread upon the record.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 2046 By Representatives TRELLO, CORRIGAN, DEMPSEY, MERRY, McCALL, DeLUCA, SAURMAN, ADOLPH, MORRIS, PESCI, BILLOW, TIGUE, PISTELLA, SEMMEL, McVERRY, OLASZ, BELARDI, TANGRETTI, VAN HORNE, VEON,

MAIALE, HOWLETT, MELIO,
COLAFELLA, BELFANTI,
MOEHLMANN, LINTON, GIGLIOTTI
and LAUGHLIN

An Act regulating charitable organizations; requiring registration of such organizations; regulating the solicitation of money and property by or on behalf of charitable organizations; and making a repeal.

Referred to Committee on FINANCE, October 24, 1989.

No. 2047 By Representatives TRELLO, HECKLER, G. SNYDER, MORRIS, PESCI, BILLOW, TIGUE, PISTELLA, SEMMEL, McVERRY, OLASZ, BELARDI, TANGRETTI, MAIALE, HOWLETT, MELIO, BELFANTI, MOEHLMANN, LINTON, GIGLIOTTI, LAUGHLIN, CORRIGAN, DEMPSEY, MERRY, McCALL, DeLUCA, SAURMAN, ADOLPH, VAN HORNE, VEON and COLAFELLA

An Act providing for the registration and regulation of solicitations by charitable organizations, professional fundraisers and other solicitors; imposing additional powers on the Department of State and the Office of Attorney General; prescribing civil and criminal penalties; and making a repeal.

Referred to Committee on FINANCE, October 24, 1989.

No. 2048 By Representative BURNS

An Act amending Title 9 (Burial Grounds) of the Pennsylvania Consolidated Statutes, requiring the owner of land which is intended to be used as a cemetery to have the recorder of deeds note the use on the deed to the property.

Referred to Committee on LOCAL GOVERNMENT, October 24, 1989.

No. 2049 By Representatives HAYES, GEORGE, COLAFELLA, FEE, HASAY, LEH and SALOOM

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), known as the "Solid Waste Management Act," limiting the issuance of permits for application of sewage sludge to certain land.

Referred to Committee on CONSERVATION, October 24, 1989.

No. 2050 By Representatives WOGAN, BORTNER, MAIALE, HOWLETT, HECKLER, LEVDANSKY, MELIO, DONATUCCI and MOEHLMANN

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for the taxation of real estate investment trusts.

Referred to Committee on FINANCE, October 24, 1989.

No. 2051 By Representatives NAHILL, RYBAK, ROBINSON, D. F. CLARK, WOZNIAK, GEIST, DEMPSEY, VROON, VEON, JACKSON, BELFANTI, LASHINGER,

WILSON, MERRY, PESCI,
E. Z. TAYLOR, DIETTERICK, MORRIS,
DeLUCA, BELARDI and ADOLPH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing handicapped persons to issue certain citations.

Referred to Committee on TRANSPORTATION, October 24, 1989.

No. 2052 By Representatives PRESTON, MURPHY, JAMES and ACOSTA

An Act amending the act of August 10, 1951 (P. L. 1189, No. 265), entitled, as amended, "An act regulating the appointment, promotion, suspension, reduction, removal and reinstatement of employes (except superintendents, assistant superintendents, inspectors, chief clerks and school guards) in bureaus of police in cities of the second class; and defining the powers and duties of civil service commissions in such cities for such purposes," further providing for positions in the competitive class of the civil service, for examinations, for reinstatement of employees, for eligibility for promotion and appointment, for filling vacancies and for reductions in force.

Referred to Committee on URBAN AFFAIRS, October 24, 1989.

No. 2053 By Representatives E. Z. TAYLOR, COY, DORR, McHALE, FARMER, TIGUE, FARGO, WASS, SEMMEL, ARGALL, JAROLIN, PESCI, D. W. SNYDER, J. L. WRIGHT, MOEHLMANN, PHILLIPS, JACKSON, FAIRCHILD, FOX, STABACK, NAHILL, TRICH, ROBBINS, HALUSKA, TRELLO, GODSHALL, RAYMOND, RUDY, JOHNSON, FLEAGLE, SCHULER, VROON, HARPER, MAIALE, HOWLETT and HERSHEY

An Act making an additional appropriation to the Department of Education for certain vocational education programs.

Referred to Committee on EDUCATION, October 24, 1989.

No. 2054 By Representatives WESTON, HAGARTY, MAINE, O'BRIEN, MAIALE, D. W. SNYDER, GANNON, FREEMAN, WOGAN, J. TAYLOR, KENNEY and PERZEL

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for confidential communications to psychiatrists.

Referred to Committee on JUDICIARY, October 24, 1989.

No. 2055 By Representatives DORR, TRELLO, YANDRISEVITS, HERMAN, CARLSON, BUNT, PHILLIPS, BOYES, DIETTERICK, B. SMITH, KASUNIC, SCHEETZ, LASHINGER, MERRY, ITKIN, NOYE, BURD, McCALL, JOHNSON, VEON,

GODSHALL, E. Z. TAYLOR, VROON, GANNON, GEIST, STAIRS, JADLOWIEC, STEIGHNER, SEMMEL, HALUSKA, STABACK, LANGTRY, G. SNYDER, SERAFINI, MORRIS, FOSTER, D. W. SNYDER, SAURMAN, ROBBINS and BLACK

An Act amending the act of May 21, 1931 (P. L. 149, No. 105), known as "The Liquid Fuels Tax Act," further providing for the refund of liquid fuels tax money collected from fuels used in snowmobiles for deposit into a restricted receipts account.

Referred to Committee on FINANCE, October 24, 1989.

No. 2056 By Representatives MORRIS, COWELL, BUNT, TRELLO, HARPER, TIGUE, D. R. WRIGHT, MELIO, BARLEY and MICHLOVIC

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, changing provisions relating to the delegation of the power to use binding arbitration to alleviate strikes of certain public employees.

Referred to Committee on EDUCATION, October 24, 1989.

No. 2057 By Representatives LESCOVITZ, COWELL, COLAFELLA, COY, KOSINSKI, STAIRS, GRUPPO, BATTISTO, RUDY, TIGUE, DALEY and STUBAN

An Act making a supplemental appropriation to the Department of Education for certain adult vocational education programs.

Referred to Committee on EDUCATION, October 24, 1989.

No. 2058 By Representatives ITKIN, BUNT, FREEMAN, ROBINSON, LINTON, BISHOP, McHALE, GIGLIOTTI, BATTISTO, HUGHES, RAYMOND, KUKOVICH, CESSAR, YANDRISEVITS, FLICK, KOSINSKI, PHILLIPS, EVANS, BUSH, COLAFELLA, WASS, PETRONE, VROON, TELEK, VEON, J. TAYLOR, BELARDI, ANGSTADT, HARPER, SEMMEL, GRUPPO, COLE, OLASZ, D. W. SNYDER, MAIALE, McVERRY, SERAFINI, CAPPABIANCA, MRKONIC, FOX, DeLUCA, JOHNSON, BOYES, PISTELLA, TIGUE, SCHULER, GAMBLE, HOWLETT, TRELLO, LASHINGER, PESCI, O'BRIEN, RITTER, PRESTON, RYBAK, NAHILL, TANGRETTI, E. Z. TAYLOR, SCRIMENTI, MELIO, BILLOW and JOSEPHS

An Act establishing the Pennsylvania Commission of the Blind and providing for its powers and duties; transferring certain functions; and making repeals.

Referred to Committee on STATE GOVERNMENT, October 24, 1989.

No. 2059 By Representatives DORR, RICHARDSON, SCHULER, HALUSKA, GEIST, CAPPABIANCA, SCHEETZ, LAUGHLIN, BARLEY, TIGUE, HERSHEY, WASS, NOYE, ANGSTADT, FAIRCHILD, GLADECK, HECKLER, RAYMOND, PHILLIPS, JOSEPHS, FOX, BELFANTI, LEH, DEMPSEY, JACKSON, E. Z. TAYLOR, NAHILL, SEMMEL, HERMAN, FREEMAN, DISTLER, McVERRY, S. H. SMITH, LINTON, BILLOW, FARGO, PESCI, HESS, COY, VROON, MRKONIC, MARKOSEK, WILLIAMS, MERRY, GODSHALL, CIVERA, JOHNSON, G. SNYDER, DIETTERICK, COLAFELLA, SAURMAN, LANGTRY, CESSAR, ITKIN, ROBINSON, FARMER, BUNT, MORRIS, MAINE, DAVIES, VAN HORNE, HOWLETT, MILLER, STRITTMATTER, VEON, PETRARCA, SALOOM, KAISER, BLACK, HAYES, GODSHALL, LASHINGER, MOWERY, FLICK, NAILOR, D. W. SNYDER, SERAFINI, MOEHLMANN, MILLER, BRANDT and B. SMITH

An Act providing for a State supplement for personal care services for residents in licensed personal care facilities in this Commonwealth.

Referred to Committee on HEALTH AND WELFARE, October 24, 1989.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 224 By Representatives ACOSTA, FREEMAN, BISHOP, PRESSMANN, RITTER, MAYERNIK, McNALLY, KAISER, COWELL, JAMES, SCRIMENTI, PRESTON, THOMAS, DALEY, LUCYK, PESCI, WILLIAMS, OLASZ, JOSEPHS, COY, COLE, CAPPABIANCA, BLAUM, LINTON, HARPER, LETTERMAN, TRICH, CALTAGIRONE, COLAIZZO, HAYDEN, OLIVER, VAN HORNE, LEVDANSKY, DeLUCA, MARKOSEK, BATTISTO, DONATUCCI, RYBAK, KOSINSKI, GIGLIOTTI, TIGUE, COHEN, FAIRCHILD, STABACK, MORRIS, SALOOM, PISTELLA, ROBBINS, VROON, MELIO, JOHNSON, ROBINSON, TRELLO, FOX, NAHILL and HOWLETT

Urging the United States Immigration and Naturalization Service to work with Federal, State and local agencies in obtaining and utilizing drug-related information in the possession of those agencies; and memorializing Congress to provide for forfeiture of property of deported drug offenders.

Referred to Committee on RULES, October 24, 1989.

No. 225 By Representatives NAHILL, MORRIS, STEIGHNER, FOX, FLEAGLE, GEIST, TIGUE, RAYMOND, VROON, TANGRETTI, CAWLEY, NOYE, HECKLER, ANGSTADT, LAUGHLIN, COHEN, CARLSON, NAILOR, MOEHLMANN, PESCI, HERMAN, SCHULER, DEMPSEY, JADLOWIEC, BILLOW, HESS, BOWLEY, FARMER, GRUPPO, LANGTRY, McVERRY, ADOLPH, DISTLER, DIETTERICK, KASUNIC, VEON, BELFANTI, JOSEPHS, MAIALE, HOWLETT, LINTON, MILLER, BUNT, GIGLIOTTI, STABACK, E. Z. TAYLOR, MELIO, SAURMAN, CIVERA, JOHNSON, LASHINGER, RYBAK, TRELLO, SCRIMENTI, D. W. SNYDER and BELARDI

Declaring the month of November 1989 as "Disabled Accessibility Month" in Pennsylvania.

Referred to Committee on RULES, October 24, 1989.

REMARKS SUBMITTED FOR THE RECORD

VOTE CORRECTIONS

The SPEAKER. The gentleman, Mr. Fox, from Montgomery County is recognized.

Mr. FOX. Mr. Speaker, just to submit remarks for the record.

The SPEAKER. The gentleman is in order to submit remarks for the record. On what subject matter?

Mr. FOX. Votes.

The SPEAKER. The gentleman is in order.

Mr. FOX submitted the following remarks for the Legislative Journal:

On amendments A3432 and A3451 to SB 369, my votes should have been recorded in the negative.

BILLS AND RESOLUTION PASSED OVER

The SPEAKER. Without objection, all remaining bills and the resolution on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. The Speaker is about to take the adjournment motion and recognizes, from Montgomery County, Representative James Clark.

Mr. J. H. CLARK. Thank you, Mr. Speaker.

I move that this House do now adjourn until Wednesday, October 25, 1989, at 11 a.m., e.d.t.—12 hours from now—unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 11:05 p.m., e.d.t., the House adjourned.