

119TH CONGRESS
2D SESSION

S. _____

To amend title 18, United States Code, to prohibit dismemberment abortions,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. ROUNDS (for himself and Mrs. HYDE-SMITH) introduced the following
bill; which was read twice and referred to the Committee on

A BILL

To amend title 18, United States Code, to prohibit
dismemberment abortions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Dismemberment Abor-
5 tion Ban Act of 2026”.

6 **SEC. 2. DISMEMBERMENT ABORTION BAN.**

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

1 **“§ 1532. Dismemberment abortion ban**

2 “(a) DISMEMBERMENT ABORTION PROHIBITED.—

3 “(1) IN GENERAL.—Any physician who, in or
4 affecting interstate or foreign commerce, knowingly
5 performs a dismemberment abortion and thereby
6 kills an unborn child shall be fined under this title
7 or imprisoned not more than 2 years, or both.

8 “(2) EXCEPTION.—Paragraph (1) shall not
9 apply to a dismemberment abortion that is necessary
10 to save the life of a mother whose life is endangered
11 by a physical disorder, physical illness, or physical
12 injury, including a life-endangering physical condi-
13 tion caused by or arising from the pregnancy itself.

14 “(b) RULE OF CONSTRUCTION.—Nothing in this sec-
15 tion shall be construed to limit abortions performed for
16 any reason, including when the pregnancy is a result of
17 rape or incest, if performed by a method other than dis-
18 memberment abortion.

19 “(c) CIVIL REMEDIES.—

20 “(1) CIVIL ACTION BY A WOMAN ON WHOM AN
21 ABORTION IS PERFORMED.—A woman upon whom
22 an abortion has been performed in violation of sub-
23 section (a) may, in a civil action against any person
24 who committed the violation, obtain appropriate re-
25 lief.

1 “(2) CIVIL ACTION BY A PARENT OF A MINOR
2 ON WHOM AN ABORTION IS PERFORMED.—A parent
3 of a minor upon whom an abortion has been per-
4 formed in violation of subsection (a) may, in a civil
5 action against any person who committed the viola-
6 tion, obtain appropriate relief, unless the pregnancy
7 resulted from the plaintiff’s criminal conduct.

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

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

13 “(B) statutory damages equal to 3 times
14 the cost of the abortion; and

15 “(C) punitive damages.

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

20 “(5) ATTORNEY’S FEES FOR DEFENDANT.—If a
21 defendant in a civil action under this subsection pre-
22 vails and the court finds that the plaintiff’s suit was
23 frivolous, the court shall award a reasonable attor-
24 ney’s fee in favor of the defendant against the plain-
25 tiff.

1 “(6) AWARDS AGAINST WOMAN.—Except as
2 provided in paragraph (5), in a civil action under
3 this subsection, no damages, attorney’s fee, or other
4 monetary relief may be assessed against the woman
5 upon whom the abortion was performed or at-
6 tempted.

7 “(d) IMMUNITY FROM PROSECUTION FOR WOMAN
8 UPON WHOM A DISMEMBERMENT ABORTION IS PER-
9 FORMED.—A woman upon whom a dismemberment abor-
10 tion is performed may not be prosecuted under this sec-
11 tion, for a conspiracy to violate this section, or for an of-
12 fense under section 2, 3, or 4 of this title based on a viola-
13 tion of this section.

14 “(e) DEFINITIONS.—In this section:

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

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

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

23 “(i) after viability, to produce a live
24 birth and preserve the life and health of
25 the child born alive; or

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

2 “(2) DISMEMBERMENT ABORTION.—

3 “(A) IN GENERAL.—The term ‘dismember-
4 ment abortion’ means, with the purpose of
5 causing the death of an unborn child, knowingly
6 dismembering an unborn child and extracting
7 the unborn child one piece at a time or intact
8 but crushed from the uterus through the use of
9 clamps, grasping forceps, tongs, scissors, or
10 similar instruments that, through the conver-
11 gence of 2 rigid levers, slice, crush, or grasp a
12 portion of the unborn child’s body in order to
13 cut or rip it off or crush it.

14 “(B) EXCLUSIONS.—The term ‘dis-
15 memberment abortion’ does not include—

16 “(i) an abortion that uses suction to
17 dismember the body of the unborn child by
18 sucking fetal parts into a collection con-
19 tainer unless the actions described in sub-
20 paragraph (A) are used to cause the death
21 of an unborn child and suction is subse-
22 quently used to extract fetal parts after
23 the death of the unborn child; or

24 “(ii) a procedure to remove a deceased
25 unborn child—

1 “(I) whose death was the result
2 of a miscarriage or a medical emer-
3 gency; or

4 “(II) who otherwise died not as
5 the result of intervening action by a
6 physician to cause such death in prep-
7 aration for performing the actions de-
8 scribed in subparagraph (A).

9 “(3) MINOR.—The term ‘minor’ means an indi-
10 vidual who has not attained the age of 18 years.

11 “(4) PHYSICIAN.—

12 “(A) IN GENERAL.—The term ‘physician’
13 means a doctor of medicine or osteopathy le-
14 gally authorized to practice medicine and sur-
15 gery by the State in which the doctor performs
16 such activity, or any other individual legally au-
17 thorized by the State to perform abortions.

18 “(B) LIABILITY OF NON-PHYSICIANS.—
19 Notwithstanding subparagraph (A), any indi-
20 vidual who is not a physician or not otherwise
21 legally authorized by the State to perform abor-
22 tions but nevertheless directly performs an
23 abortion prohibited under this section shall be
24 subject to this section in the same manner as
25 a physician.

1 “(5) UNBORN CHILD.—The term ‘unborn child’
2 means an individual organism of the species homo
3 sapiens, beginning at fertilization, until the point of
4 being born alive as defined in section 8(b) of title
5 1.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of chapter 74 of title 18, United States
8 Code, is amended by adding at the end the following:

 “1532. Dismemberment abortion ban.”.

9 (c) CHAPTER HEADING AMENDMENTS.—

10 (1) CHAPTER HEADING IN CHAPTER.—The
11 chapter heading for chapter 74 of title 18, United
12 States Code, is amended by striking “**PARTIAL-**
13 **BIRTH ABORTIONS**” and inserting “**ABOR-**
14 **TIONS**”.

15 (2) TABLE OF CHAPTERS FOR PART I.—The
16 item relating to chapter 74 in the table of chapters
17 at the beginning of part I of title 18, United States
18 Code, is amended by striking “**Partial-birth**
19 **abortions**” and inserting “**Abortions**”.