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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To stop the criminalization of miscarriages, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. BEATTY introduced the following bill; which was referred to the Committee on _____

A BILL

To stop the criminalization of miscarriages, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pregnancy Loss Protection Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) In the first 2 years following the Dobbs v. Jackson Women's Health decision in 2022, there

have been at least 412 cases of individuals facing criminal charges, arrests, and prosecutions for behavior during pregnancy that allegedly put at risk or harmed their pregnancy. Some of these criminalized pregnant and postpartum individuals experienced a miscarriage or stillbirth.

(2) 18 States have laws that criminalize the non-reporting of pregnancy loss remains. 10 States have laws that criminalize transporting pregnancy loss remains. 19 States have laws that criminalize the disposal of pregnancy loss remains or classify disposal of pregnancy loss remains as ''abuse of a corpse''. 5 States have laws that criminalize the ''concealment'' of births (dead or alive) delivered out of wedlock. 2 States have laws that criminalize the ''abandonment'' of pregnancy loss remains. 1 State has a law that criminalizes the ''possession'' of pregnancy loss remains. 9 States have supreme court decisions refusing to read prenatal personhood into State statutes.

(3) State prosecutors have overwhelmingly charged pregnant individuals with offenses that allow them to obtain convictions without proving that the pregnant individual actually harmed the fetus or infant. The lack of a harm requirement was

present in the majority of cases that alleged conduct related to pregnancy, pregnancy loss, or birth.

(4) The use of Federal funds allocated to State and local criminal justice governments to arrest, detain, prosecute, or otherwise criminalize pregnant and postpartum individuals based on allegations related to pregnancy-related conduct or pregnancy outcomes harms individuals and discourages people from seeking vital prenatal care.

(5) Hospital and medical staff have an obligation to maintain patient privacy for pregnant individuals under the Health Insurance Portability and Accountability Act.

SEC. 3. PROHIBITING CRIMINALIZATION OF MISCARRIAGES.

(a) IN GENERAL.—Beginning on the date that is 6 months after the date of enactment of this Act, and annually thereafter, in each State that receives a grant under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10151 et seq.) (commonly referred to as the ''Edward Byrne Memorial Justice Grant Program'') and that maintains a policy, practice, or pattern of investigating, arresting, charging, prosecuting, or incarcerating individuals, or bringing or pursuing criminal prosecutions against individuals, based

on allegations that their conduct during pregnancy caused their miscarriage or stillbirth, the amount of such grant that would otherwise be allocated to such State under such subpart for the fiscal year shall be decreased by 15 percent.

(b) REALLOCATION.—Amounts not allocated to a State under subsection (a) for failure to comply with such subsection shall be reallocated to States that have so complied in accordance with subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10151 et seq.).