

# House Bill 3621

Sponsored by Representative RESCHKE

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act requires a doctor to do an ultrasound at least three days before providing an abortion. (Flesch Readability Score: 60.1).

Prohibits abortions unless a health care provider first performs an ultrasound on the pregnant person, except in the case of a medical emergency. Creates a civil penalty for a violation of the ultrasound requirement. Directs the Oregon Health Authority to deposit penalties assessed into the Oregon Student Assistance Fund for purposes of providing scholarships to foster children.

## A BILL FOR AN ACT

1  
2 Relating to prerequisites to performing abortions; creating new provisions; and amending ORS  
3 435.240.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. As used in sections 1 to 4 of this 2025 Act:**

6 (1) **"Abortion" means the use or prescription of any instrument, medicine, drug or any**  
7 **other substance or device to terminate the pregnancy of a person known to be pregnant, if**  
8 **the intention is other than to increase the probability of a live birth, to preserve the life or**  
9 **health of the child after live birth or to remove a dead unborn child who died as the result**  
10 **of natural causes in utero, accidental trauma or a criminal assault on the pregnant person**  
11 **or the unborn child, and that use or prescription causes the premature termination of the**  
12 **pregnancy.**

13 (2) **"Attempt to perform or induce an abortion" means an act, or an omission of a**  
14 **statutorily required act, that, under the circumstances as the actor believes them to be,**  
15 **constitutes a substantial step in a course of conduct planned to culminate in the perform-**  
16 **ance or induction of an abortion.**

17 (3) **"Fertilization" means the fusion of a human spermatozoon with a human ovum.**

18 (4) **"Health care provider" means:**

19 (a) **A physician licensed under ORS chapter 677;**

20 (b) **A physician assistant licensed under ORS 677.505 to 677.525; and**

21 (c) **A nurse practitioner licensed under ORS 678.375 to 678.390.**

22 (5) **"Unborn child" means an individual organism of the species Homo sapiens from**  
23 **fertilization until live birth.**

24 **SECTION 2. (1) A pregnant person's condition is a medical emergency for purposes of**  
25 **section 3 of this 2025 Act if, in the professional judgment of the health care provider:**

26 (a) **Failure to immediately terminate the pregnancy is reasonably likely to result in the**  
27 **pregnant person's death; or**

28 (b) **The delay necessary to comply with the requirements under section 3 of this 2025 Act**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 is reasonably likely to create a serious risk of substantial and irreversible physical impair-  
 2 ment of one or more of the pregnant person’s major bodily functions, not including psycho-  
 3 logical or emotional functions.

4 (2) A pregnant person’s likelihood to engage in conduct that will result in the pregnant  
 5 person’s death or in substantial and irreversible physical impairment of a major bodily  
 6 function is not a medical emergency for purposes of section 3 of this 2025 Act.

7 **SECTION 3.** (1) Except in the case of a medical emergency that prevents compliance with  
 8 this section, a person may not perform or induce, or attempt to perform or induce, an  
 9 abortion unless a health care provider has performed an ultrasound on the pregnant person,  
 10 consistent with subsection (2) of this section.

11 (2) An ultrasound performed under this section must be performed:

12 (a) No fewer than 72 hours prior to the performance or inducement of the abortion;

13 (b) While the pregnant person is awake; and

14 (c) In a manner that permits the pregnant person for a minimum of 20 seconds to hear  
 15 the unborn child’s heartbeat, if any, and view the image of the ultrasound.

16 **SECTION 4.** (1) In addition to any other liability or penalty provided by law, the Director  
 17 of the Oregon Health Authority shall impose a civil penalty in the amount of not less than  
 18 \$10,000 per violation on a person who fails to comply with the requirements of section 3 of  
 19 this 2025 Act before performing or inducing, or attempting to perform or induce, an abortion.

20 (2) The Oregon Health Authority shall deposit civil penalties assessed under this section  
 21 into the Oregon Student Assistance Fund established under ORS 348.570, for the purpose of  
 22 providing scholarships under ORS 348.272 to current and former foster children.

23 **SECTION 5.** Civil penalties under section 4 of this 2025 Act shall be imposed in the  
 24 manner provided by ORS 183.745.

25 **SECTION 6.** ORS 435.240 is amended to read:

26 435.240. (1) A public body or, except as provided in ORS 435.225 and section 3 of this 2025  
 27 Act, an officer, employee or agent of a public body may not:

28 (a) Deprive a consenting individual of the choice of exercising the individual’s reproductive  
 29 health rights under ORS 435.210;

30 (b) Interfere with or restrict, in the regulation of benefits, facilities, services or information, the  
 31 choice of a consenting individual to exercise the individual’s reproductive health rights under ORS  
 32 435.210;

33 (c) Prohibit a health care provider, who is acting within the scope of the health care provider’s  
 34 license, from providing reproductive health care information and services to a consenting individual;

35 (d) Interfere with or restrict, in the regulation of benefits, facilities, services or information, the  
 36 choice of a health care provider, who is acting within the scope of the health care provider’s license,  
 37 to provide reproductive health care information and services to a consenting individual;

38 (e) Subject an individual to criminal or civil liability or penalty, or otherwise deprive the indi-  
 39 vidual of any rights, based on the individual’s actions or omissions in exercising the individual’s  
 40 reproductive health rights under ORS 435.210, including any action or omission affecting an actual,  
 41 potential or alleged pregnancy outcome; or

42 (f) Subject any person to criminal or civil liability or penalty, or otherwise deprive any person  
 43 of the person’s rights, based solely on the person’s actions in the provision of aid, assistance, re-  
 44 sources or support to an individual in the exercise of the individual’s reproductive health rights,  
 45 provided that the person’s actions do not otherwise violate the laws of this state.

1 (2)(a) Nothing in this section is intended to prevent the application of laws, rules, ordinances  
2 or taxes that affect the method or manner of sales or distribution of contraceptive devices or the  
3 provision of reproductive health care, provided that the laws, rules, ordinances or taxes are designed  
4 to promote public health and safety and do not unreasonably burden public access to contraception  
5 or other reproductive health care.

6 (b) Nothing in this section requires a public body to provide or pay for reproductive health care.

7 **SECTION 7. Sections 1 to 5 of this 2025 Act and the amendments to ORS 435.240 by sec-**  
8 **tion 6 of this 2025 Act apply to abortions that are performed or induced, or attempted to be**  
9 **performed or induced, on or after the effective date of this 2025 Act.**

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