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LEGISLATIVE ACTION

Senate

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House

Senator Book moved the following:

Senate Amendment (with directory and title amendments)

Between lines 224 and 225
insert:

(3) CONSENTS REQUIRED.—A termination of pregnancy may not be performed or induced except with the voluntary and informed written consent of the pregnant woman or, in the case of a mental incompetent, the voluntary and informed written consent of her court-appointed guardian.

(a) Except in the case of a medical emergency, consent to a termination of pregnancy is voluntary and informed only if:



548886

12 1. The physician who is to perform the procedure, or the
13 referring physician, has confirmed that, ~~at a minimum, orally,~~
14 ~~while physically present in the same room,~~ and at least 24 hours
15 before the procedure, the woman accessed and reviewed all of the
16 following information provided on the department's website
17 ~~informed the woman of:~~

18 a. The nature and risks of undergoing or not undergoing the
19 proposed procedure that a reasonable patient would consider
20 material to making a knowing and willful decision of whether to
21 terminate a pregnancy.

22 b. The probable gestational age of the fetus, verified by
23 an ultrasound, at the time the termination of pregnancy is to be
24 performed.

25 (I) The ultrasound must be performed by the physician who
26 is to perform the abortion or by a person having documented
27 evidence that he or she has completed a course in the operation
28 of ultrasound equipment as prescribed by rule and who is working
29 in conjunction with the physician.

30 (II) The person performing the ultrasound must offer the
31 woman the opportunity to view the live ultrasound images and
32 hear an explanation of them. If the woman accepts the
33 opportunity to view the images and hear the explanation, a
34 physician or a registered nurse, licensed practical nurse,
35 advanced practice registered nurse, or physician assistant
36 working in conjunction with the physician must contemporaneously
37 review and explain the images to the woman before the woman
38 gives informed consent to having an abortion procedure
39 performed.

40 (III) The woman has a right to decline to view and hear the



548886

41 explanation of the live ultrasound images after she is informed
42 of her right and offered an opportunity to view the images and
43 hear the explanation. If the woman declines, the woman shall
44 complete a form acknowledging that she was offered an
45 opportunity to view and hear the explanation of the images but
46 that she declined that opportunity. The form must also indicate
47 that the woman's decision was not based on any undue influence
48 from any person to discourage her from viewing the images or
49 hearing the explanation and that she declined of her own free
50 will.

51 (IV) Unless requested by the woman, the person performing
52 the ultrasound may not offer the opportunity to view the images
53 and hear the explanation and the explanation may not be given
54 if, at the time the woman schedules or arrives for her
55 appointment to obtain an abortion, a copy of a restraining
56 order, police report, medical record, or other court order or
57 documentation is presented which provides evidence that the
58 woman is obtaining the abortion because the woman is a victim of
59 rape, incest, domestic violence, or human trafficking or that
60 the woman has been diagnosed as having a condition that, on the
61 basis of a physician's good faith clinical judgment, would
62 create a serious risk of substantial and irreversible impairment
63 of a major bodily function if the woman delayed terminating her
64 pregnancy.

65 c. The medical risks to the woman and fetus of carrying the
66 pregnancy to term.

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68 The department shall post all of the information required in
69 this subparagraph on a dedicated webpage accessible through a



548886

conspicuous link on its homepage. The webpage must include a printable confirmation form that verifies the date and time the information was reviewed. The woman must present the confirmation form to the physician at her appointment. The physician must maintain the confirmation form in the woman's medical records ~~physician may provide the information required in this subparagraph within 24 hours before the procedure if requested by the woman at the time she schedules or arrives for her appointment to obtain an abortion and if she presents to the physician a copy of a restraining order, police report, medical record, or other court order or documentation evidencing that she is obtaining the abortion because she is a victim of rape, incest, domestic violence, or human trafficking.~~

2. Printed materials prepared and provided by the department have been provided to the pregnant woman, if she chooses to view these materials, including:

a. A description of the fetus, including a description of the various stages of development.

b. A list of entities that offer alternatives to terminating the pregnancy.

c. Detailed information on the availability of medical assistance benefits for prenatal care, childbirth, and neonatal care.

3. The woman acknowledges in writing, before the termination of pregnancy, that the information required to be provided under this subsection has been provided.

Nothing in this paragraph is intended to prohibit a physician from providing any additional information which the physician



548886

deems material to the woman's informed decision to terminate her pregnancy.

===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

And the directory clause is amended as follows:

Delete line 180

and insert:

Section 3. Subsections (1) and (2), paragraph (a) of subsection (3), and subsections (10) and (13) of section

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 33

and insert:

any other courier or shipping service; revising requirements for obtaining informed consent for an abortion procedure; requiring the Department of Health to post specified information on a dedicated webpage accessible through a conspicuous link on its homepage; requiring the webpage to include a certain printable form; requiring the pregnant woman to present the form to the physician at her appointment; requiring the physician to maintain the form in the woman's medical records; conforming