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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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03/30/2023 06:03 PM

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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:



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



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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.

67  
68 The department shall post all of the information required in  
69 this subparagraph on a dedicated webpage accessible through a



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

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

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

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

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

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

96

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



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

101  
102 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

103 And the directory clause is amended as follows:

104 Delete line 180

105 and insert:

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

108  
109 ===== T I T L E A M E N D M E N T =====

110 And the title is amended as follows:

111 Delete line 33

112 and insert:

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