

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Bracy Davis offered the following:

**Amendment (with directory and title amendments)**

Between lines 234 and 235, 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:

1. The physician who is to perform the procedure, or the referring physician, has confirmed that, ~~at a minimum, orally,~~

985845

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Amendment No.

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  
19 the 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

985845

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Amendment No.

38 | gives informed consent to having an abortion procedure  
39 | performed.

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

985845

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Amendment No.

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  
66 the 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  
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.

985845

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Amendment No.

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 A M E N D M E N T**

103 Remove line 186 and insert:

104 Section 4. Subsections (1) and (2), paragraph (a) of  
105 subsection (3), and subsections (10) and (13) of section  
106

107  
108 -----

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

109 Remove line 37 and insert:

110 any other courier or shipping service; revising requirements for  
111 obtaining informed consent for an abortion procedure; requiring  
112

985845

Approved For Filing: 4/11/2023 3:48:03 PM

Amendment No.

113 | the Department of Health to post specified information on a  
114 | dedicated webpage accessible through a conspicuous link on its  
115 | homepage; requiring the webpage to include a certain printable  
116 | form; requiring the pregnant woman to present the form to the  
117 | physician at her appointment; requiring the physician to  
118 | maintain the form in the woman's medical records; conforming

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