



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3049

Introduced 2/19/2021, by Rep. Adam Niemerg

SYNOPSIS AS INTRODUCED:

New Act

Creates the Ultrasound Opportunity Act. Sets forth legislative findings and definitions. Provides that at any facility where abortions are performed, the physician who is to perform the abortion, the referring physician, or another qualified person working in conjunction with either physician shall offer any woman seeking an abortion after 8 weeks of gestation an opportunity to receive and view an active ultrasound of her unborn child by someone qualified to perform ultrasounds at the facility, or at a facility listed in a listing of local ultrasound providers provided by the facility, prior to the woman having any part of an abortion performed or induced and prior to the administration of any anesthesia or medication in preparation for the abortion. Provides that, following the performance of an ultrasound on a woman, 72 hours must pass before the administration of any anesthesia or medication in preparation for an abortion for the woman. Provides that the requirements of the Act shall not apply when, in the medical judgment of the physician performing or inducing the abortion, there exists a medical emergency. Contains a severability provision.

LRB102 11391 CPF 16724 b

1 AN ACT concerning public health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Ultrasound Opportunity Act.

6 Section 5. Legislative findings and purpose.

7 (a) The General Assembly finds as follows:

8 (1) Ultrasound requirements serve an essential medical
9 purpose in confirming the presence, location, and
10 gestational age of a pregnancy.

11 (2) Ultrasound requirements also serve an essential
12 medical purpose in diagnosing ectopic pregnancies, which,
13 if left undiagnosed, can result in infertility or even
14 fatal blood loss.

15 (3) Furthermore, it is critical to the psychological
16 and physical well-being of a woman considering an abortion
17 that she receive complete and accurate information on the
18 reality and status of her pregnancy and of her unborn
19 child.

20 (4) The decision to abort "is an important, and often
21 a stressful one, and it is desirable and imperative that
22 it be made with full knowledge of its nature and
23 consequences". Planned Parenthood v. Danforth, 428 U.S.

1 52, 67 (1976).

2 (b) Based on the findings in subsection (a) of this
3 Section, the purposes of this Act are to:

4 (1) protect the physical health and welfare of every
5 woman considering an abortion;

6 (2) ensure that every woman considering an abortion
7 receive complete information on the reality and status of
8 her pregnancy and of her unborn child and that every woman
9 submitting to an abortion do so only after giving her
10 voluntary and informed consent to the abortion procedure;

11 (3) protect the unborn child from a woman's uninformed
12 decision to have an abortion; and

13 (4) reduce "the risk that a woman may elect an
14 abortion, only to discover later, with devastating
15 psychological consequences, that her decision was not
16 fully informed". Planned Parenthood v. Casey, 505 U.S.
17 833, 882 (1992).

18 Section 10. Definitions. Unless the language or context
19 clearly indicates a different meaning is intended, the
20 following words or phrases for the purpose of this Act shall be
21 given the meaning ascribed to them:

22 "Abortion" means the use of any instrument, medicine,
23 drug, or any other substance or device to terminate the
24 pregnancy of a woman known to be pregnant with an intention
25 other than to increase the probability of a live birth, to

1 preserve the life or health of the child after live birth, or
2 to remove a dead fetus.

3 "Medical emergency" means a condition that, on the basis
4 of the physician's good faith clinical judgment, so
5 complicates the medical condition of a pregnant woman as to
6 necessitate the immediate abortion of her pregnancy to avert
7 her death or for which a delay will create serious risk of
8 substantial and irreversible impairment of major bodily
9 function.

10 "Physician" means any person licensed to practice medicine
11 in all its branches under the Medical Practice Act of 1987.

12 "Qualified person" means a person having documented
13 evidence that he or she has completed a course in the operation
14 of ultrasound equipment and is in compliance with any other
15 requirements of law regarding the operation of ultrasound
16 equipment.

17 Section 15. Offer of ultrasound required.

18 (a) At any facility where abortions are performed, the
19 physician who is to perform the abortion, the referring
20 physician, or another qualified person working in conjunction
21 with either physician shall offer any woman seeking an
22 abortion after 8 weeks of gestation an opportunity to receive
23 and view an active ultrasound of her unborn child by someone
24 qualified to perform ultrasounds at the facility, or at a
25 facility listed in a listing of local ultrasound providers

1 provided by the facility, prior to the woman having any part of
2 an abortion performed or induced, and prior to the
3 administration of any anesthesia or medication in preparation
4 for the abortion.

5 (b) The ultrasound shall be performed by a qualified
6 person or persons. The active ultrasound image must be of a
7 quality consistent with standard medical practice. The woman's
8 response to the offer must be documented by the facility,
9 including the date and time of the offer and the woman's
10 signature attesting to her informed decision to accept or
11 decline the offer.

12 (c) Following the performance of an ultrasound on the
13 woman, 72 hours must pass before the administration of any
14 anesthesia or medication in preparation for an abortion for
15 the woman.

16 Section 20. Medical emergency. The requirements under this
17 Act shall not apply when, in the medical judgment of the
18 physician performing or inducing the abortion based on the
19 particular facts of the case before him or her, there exists a
20 medical emergency.

21 Section 97. Severability. The provisions of this Act are
22 severable under Section 1.31 of the Statute on Statutes.