



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4262

Introduced 1/16/2024, by Rep. Chris Miller

SYNOPSIS AS INTRODUCED:

775 ILCS 55/1-17 new

Amends the Reproductive Health Act. Provides that consent to a termination of pregnancy is voluntary and informed only if: the physician who is to perform the procedure, or the referring physician, has, at a minimum, orally, while physically present in the same room, and at least 24 hours before the procedure, provided the woman with specified information; specified printed materials prepared and provided by the Department of Public Health have been provided to the pregnant woman, if she chooses to view these materials; and the woman acknowledges in writing, before the termination of pregnancy, that the information required to be provided has been provided. Provides that if a medical emergency exists and a physician cannot comply with the requirements for informed consent, a physician may terminate a pregnancy if he or she has obtained at least one corroborative medical opinion attesting to the medical necessity for emergency medical procedures and to the fact that to a reasonable degree of medical certainty the continuation of the pregnancy would threaten the life of the pregnant woman. Provides that a physician or other person who violates the provisions shall be subject to appropriate disciplinary action.

LRB103 34533 LNS 64367 b

1 AN ACT concerning human rights.

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

4 Section 5. The Reproductive Health Act is amended by
5 adding Section 1-17 as follows:

6 (775 ILCS 55/1-17 new)

7 Sec. 1-17. Informed consent for abortion.

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

10 (1) The physician who is to perform the procedure, or
11 the referring physician, has, at a minimum, orally, while
12 physically present in the same room, and at least 24 hours
13 before the procedure, informed the woman of:

14 (A) The nature and risks of undergoing or not
15 undergoing the proposed procedure that a reasonable
16 patient would consider material to making a knowing
17 and willful decision of whether to terminate a
18 pregnancy.

19 (B) The probable gestational age of the fetus,
20 verified by an ultrasound, at the time the termination
21 of pregnancy is to be performed.

22 (i) The ultrasound must be performed by the
23 physician who is to perform the abortion or by a

1 person having documented evidence that he or she
2 has completed a course in the operation of
3 ultrasound equipment as prescribed by rule and who
4 is working in conjunction with the physician.

5 (ii) The person performing the ultrasound must
6 offer the woman the opportunity to view the live
7 ultrasound images and hear an explanation of them.
8 If the woman accepts the opportunity to view the
9 images and hear the explanation, a physician or a
10 registered nurse, licensed practical nurse,
11 advanced practice registered nurse, or physician
12 assistant working in conjunction with the
13 physician must contemporaneously review and
14 explain the images to the woman before the woman
15 gives informed consent to having an abortion
16 procedure performed.

17 (iii) The woman has a right to decline to view
18 and hear the explanation of the live ultrasound
19 images after she is informed of her right and
20 offered an opportunity to view the images and hear
21 the explanation. If the woman declines, the woman
22 shall complete a form acknowledging that she was
23 offered an opportunity to view and hear the
24 explanation of the images but that she declined
25 that opportunity. The form must also indicate that
26 the woman's decision was not based on any undue

1 influence from any person to discourage her from
2 viewing the images or hearing the explanation and
3 that she declined of her own free will.

4 (iv) Unless requested by the woman, the person
5 performing the ultrasound may not offer the
6 opportunity to view the images and hear the
7 explanation and the explanation may not be given
8 if, at the time the woman schedules or arrives for
9 her appointment to obtain an abortion, a copy of a
10 restraining order, police report, medical record,
11 or other court order or documentation is presented
12 which provides evidence that the woman is
13 obtaining the abortion because the woman is a
14 victim of rape, incest, domestic violence, or
15 human trafficking or that the woman has been
16 diagnosed as having a condition that, on the basis
17 of a physician's good faith clinical judgment,
18 would create a serious risk of substantial and
19 irreversible impairment of a major bodily function
20 if the woman delayed terminating her pregnancy.

21 (C) The medical risks to the woman and fetus of
22 carrying the pregnancy to term.

23 The physician may provide the information required in
24 this paragraph within 24 hours before the procedure if
25 requested by the woman at the time she schedules or
26 arrives for her appointment to obtain an abortion and if

1 she presents to the physician a copy of a restraining
2 order, police report, medical record, or other court order
3 or documentation evidencing that she is obtaining the
4 abortion because she is a victim of rape, incest, domestic
5 violence, or human trafficking.

6 (2) Printed materials prepared and provided by the
7 Department have been provided to the pregnant woman, if
8 she chooses to view these materials, including:

9 (A) A description of the fetus, including a
10 description of the various stages of development.

11 (B) A list of entities that offer alternatives to
12 terminating the pregnancy.

13 (C) Detailed information on the availability of
14 medical assistance benefits for prenatal care,
15 childbirth, and neonatal care.

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

19 Nothing in this Section is intended to prohibit a
20 physician from providing any additional information which the
21 physician deems material to the woman's informed decision to
22 terminate her pregnancy.

23 (b) If a medical emergency exists and a physician cannot
24 comply with the requirements for informed consent, a physician
25 may terminate a pregnancy if he or she has obtained at least
26 one corroborative medical opinion attesting to the medical

1 necessity for emergency medical procedures and to the fact
2 that to a reasonable degree of medical certainty the
3 continuation of the pregnancy would threaten the life of the
4 pregnant woman. If a second physician is not available for a
5 corroborating opinion, the physician may proceed but shall
6 document reasons for the medical necessity in the patient's
7 medical records.

8 (c) A physician who violates this Section shall be subject
9 to appropriate disciplinary action under the Medical Practice
10 Act of 1987. Any other person who violates this Section shall
11 be subject to appropriate disciplinary action by the
12 appropriate licensing or certifying body.