



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB4085

by Rep. Joseph M. Lyons

#### 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 7 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 the Department of Public Health shall prepare and make available a reporting form, to be submitted by each abortion facility to the Department annually. 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.

LRB097 15077 RPM 60168 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 a  
21 stressful one, and it is desirable and imperative that it  
22 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. 833,  
17 882 (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, drug,  
23 or any other substance or device to terminate the pregnancy of  
24 a woman known to be pregnant with an intention other than to  
25 increase the probability of a live birth, to preserve the life

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

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

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

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

16 Section 15. Offer of ultrasound required.

17 (a) At any facility where abortions are performed the  
18 physician who is to perform the abortion, the referring  
19 physician, or another qualified person working in conjunction  
20 with either physician shall offer any woman seeking an abortion  
21 after 7 weeks of gestation an opportunity to receive and view  
22 an active ultrasound of her unborn child by someone qualified  
23 to perform ultrasounds at the facility, or at a facility listed  
24 in a listing of local ultrasound providers provided by the  
25 facility, prior to the woman having any part of an abortion

1 performed or induced, and prior to the administration of any  
2 anesthesia or medication in preparation for the abortion.

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

10 Section 20. Reports. The Department of Public Health shall  
11 prepare and make available a reporting form, to be submitted by  
12 each abortion facility to the Department annually. The form  
13 shall provide for the collection of the following information:

14 (1) The number of women who chose to view an ultrasound  
15 of their unborn children pursuant to this Act and the  
16 number who did not; and of each of those numbers, the  
17 number who, to the best of the reporting facility's  
18 information and belief, went on to obtain the abortion.

19 (2) The name of the facility.

20 (3) The date of the report.

21 Section 25. Medical emergency. The requirements under this  
22 Act shall not apply when, in the medical judgment of the  
23 physician performing or inducing the abortion based on the  
24 particular facts of the case before him or her, there exists a

1 medical emergency.

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