



Rep. Kelly M. Cassidy

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LRB097 15077 RPM 65676 a

1 AMENDMENT TO HOUSE BILL 4085

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4085 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Ultrasound and Erectile Dysfunction Information Opportunity  
6 Act.

7 Section 5. Legislative purpose. The purposes of this Act  
8 are to:

9 (1) protect the physical health and welfare of every person  
10 considering an abortion or using prescription drugs for  
11 erectile dysfunction;

12 (2) ensure that every person considering abortion or using  
13 prescription drugs for erectile dysfunction receives complete  
14 information on the reality and status of their medical  
15 condition and that every person submitting to an abortion or  
16 using prescription drugs for erectile dysfunction do so only

1 after giving his or her voluntary and informed consent; and

2 (3) reduce the risk that a person may elect to have an  
3 abortion or use prescription drugs to treat erectile  
4 dysfunction, only to discover later, that their decision was  
5 not fully informed.

6 Section 10. Definitions. Unless the language or context  
7 clearly indicates that a different meaning is intended, for the  
8 purpose of this Act the following words or phrases have the  
9 meanings ascribed to them:

10 "Medical emergency" means a condition that, on the basis of  
11 the physician's good faith clinical judgment, so complicates  
12 the medical condition of a person as to necessitate immediate  
13 treatment to avert death or for which a delay will create  
14 serious risk of substantial and irreversible impairment of  
15 major bodily function.

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

18 "Qualified person" means a person having documented  
19 evidence that he or she has completed a course in the operation  
20 of ultrasound equipment and is in compliance with any other  
21 requirements of law regarding the operation of ultrasound  
22 equipment.

23 Section 15. Offer of ultrasound required.

24 (a) At any facility where abortion procedures are

1 performed, the physician who is to perform the medical  
2 abortion, the referring physician, or another qualified person  
3 working in conjunction with either physician shall offer any  
4 person seeking the abortion an opportunity to receive and view  
5 an ultrasound by someone qualified to perform ultrasounds at  
6 the facility, or at a facility listed in a listing of local  
7 ultrasound providers provided by the facility, prior to the  
8 person having any part of an abortion procedure performed, and  
9 prior to the administration of any anesthesia or medication in  
10 preparation for the abortion procedure.

11 (b) The ultrasound shall be performed by a qualified person  
12 or persons. The ultrasound image must be of a quality  
13 consistent with standard medical practice. The person's  
14 response to the offer must be documented by the facility,  
15 including the date and time of the offer and the person's  
16 signature attesting to their informed decision to accept or  
17 decline the offer.

18 Section 20. Informed consent for prescription drugs to  
19 treat erectile dysfunction required.

20 (a) No medications for erectile dysfunction may be  
21 prescribed unless the man for whom the drugs are to be  
22 prescribed has given his voluntary and informed consent.

23 (b) Consent to a prescription for medications for erectile  
24 dysfunction is voluntary and informed if and only if prior to  
25 prescribing medications for erectile dysfunction the physician

1 who is to prescribe medications for erectile dysfunction has,  
2 in person, orally and in writing informed the man of all of the  
3 following:

4 (1) The particular medical risks, if any, associated  
5 with the condition of erectile dysfunction.

6 (2) The medical risks associated with the particular  
7 medication that would be prescribed, including, but not  
8 limited to, the medical risks of heart problems, stroke,  
9 hearing loss, vision loss, and priapism.

10 (3) That erectile dysfunction medication may be  
11 dangerous if the man has:

12 (A) heart problems, including heart pain (angina),  
13 heart failure, abnormal heart rhythms (arrhythmias),  
14 or a recent heart attack;

15 (B) high or low blood pressure (hypertension or  
16 hypotension) that isn't controlled;

17 (C) a history of stroke;

18 (D) eye problems such as retinitis pigmentosa or  
19 blood relatives with certain eye problems; or

20 (E) sickle cell anemia, leukemia, or a health  
21 problem that can cause priapism.

22 (4) The details of the medical or surgical method that  
23 would be used to treat priapism, stroke, cardiac arrest,  
24 vision loss, and hearing loss, including the offer to view  
25 a medically accurate video depicting treatment of  
26 priapism.

1 (c) Prior to prescribing medications for erectile  
2 dysfunction, the physician who is to prescribe medications for  
3 erectile dysfunction, the referring physician, or another  
4 qualified person working in conjunction with either physician  
5 shall offer any person seeking medication for erectile  
6 dysfunction an opportunity to receive diagnostic testing for  
7 heart problems, high or low blood pressure, vision problems,  
8 hearing problems, stroke, sickle cell anemia, leukemia, and  
9 health problems that can cause priapism.

10 (d) The provision of information and the offer of  
11 diagnostic testing must be documented by the person prescribing  
12 the medication, including the date and time of the prescription  
13 and the person's signature attesting to his informed decision  
14 to accept or decline the prescription.

15 Section 25. Reports.

16 (a) The Department of Public Health shall prepare and make  
17 available a reporting form to be submitted by each abortion  
18 facility and each person prescribing medications for erectile  
19 dysfunction to the Department annually.

20 (b) The form for recording ultrasound data shall provide  
21 for the collection of the following information:

22 (1) The number of women who chose to view an ultrasound  
23 pursuant to this Act and the number who did not; and of  
24 each of those numbers, the number who, to the best of the  
25 reporting facility's information and belief, went on to

1 obtain the abortion.

2 (2) The name of the facility.

3 (3) The date of the report.

4 (c) The form for recording informed consent prior to  
5 prescribing medications for erectile dysfunction data shall  
6 provide for the collection of the following information:

7 (1) The number of men who are provided the required  
8 oral and written information pursuant to this Act and the  
9 number who are not; and of each of those numbers, the  
10 number who, to the best of the reporting facility's  
11 information and belief, went on to obtain the medications  
12 for erectile dysfunction.

13 (2) The name of the facility.

14 (3) The date of the report.

15 Section 30. Medical emergency. The requirements under this  
16 Act shall not apply when, in the medical judgment of the  
17 physician performing or inducing the abortion or prescribing  
18 medications for erectile dysfunction based on the particular  
19 facts of the case before him or her, there exists a medical  
20 emergency.

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