



Rep. Naomi D. Jakobsson

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09700HB4085ham002

LRB097 15077 RPM 65675 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 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 that, if  
13 left undiagnosed, can result in infertility or even fatal  
14 blood loss.

15 (3) Furthermore, it is critical to the psychological  
16 and physical well-being of a woman considering an abortion

1 that she receive complete and accurate information on the  
2 status of her pregnancy.

3 (4) The decision to abort "is an important, and often a  
4 stressful one, and it is desirable and imperative that it  
5 be made with full knowledge of its nature and  
6 consequences". Planned Parenthood v. Danforth, 428 U.S.  
7 52, 67 (1976).

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

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

12 (2) ensure that every woman considering an abortion  
13 receive complete information on the status of her pregnancy  
14 and that every woman submitting to an abortion do so only  
15 after giving her voluntary and informed consent to the  
16 abortion procedure;

17 (3) reduce "the risk that a woman may elect an  
18 abortion, only to discover later, with devastating  
19 psychological consequences, that her decision was not  
20 fully informed". Planned Parenthood v. Casey, 505 U.S. 833,  
21 882 (1992).

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

1 "Abortion" means the use of any instrument, medicine, drug,  
2 or any other substance or device to terminate the pregnancy of  
3 a woman known to be pregnant with an intention other than to  
4 increase the probability of a live birth, to preserve the life  
5 or health of the child after live birth, or to remove a dead  
6 fetus.

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

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

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

20 Section 15. Offer of ultrasound required.

21 (a) At any facility where abortions are performed the  
22 physician who is to perform the abortion, the referring  
23 physician, or another qualified person working in conjunction  
24 with either physician shall offer any woman seeking an abortion  
25 after 7 weeks of gestation an opportunity to receive and view

1 an ultrasound of her unborn child by someone qualified to  
2 perform ultrasounds at the facility, or at a facility listed in  
3 a listing of local ultrasound providers provided by the  
4 facility, prior to the woman having any part of an abortion  
5 performed or induced, and prior to the administration of any  
6 anesthesia or medication in preparation for the abortion.

7 (b) Any ultrasound performed on a pregnant woman  
8 administered for the purpose of viewing a fetus must be  
9 performed by a qualified person. Any ultrasound on a pregnant  
10 woman administered for the purpose of viewing a fetus must be  
11 performed under an order or referral. A person shall not issue  
12 an order or referral for the administration of an ultrasound  
13 upon a pregnant woman unless he or she is (i) licensed to  
14 practice medicine in all of its branches as provided under the  
15 Medical Practice Act of 1987, (ii) licensed to practice as an  
16 advanced practice nurse as provided under the Nurse Practice  
17 Act, or (iii) licensed to practice as a certified nurse midwife  
18 as provided under the Nurse Practice Act. The ultrasound image  
19 must be of a quality consistent with standard medical practice.  
20 The woman's response to the offer must be documented by the  
21 facility, including the date and time of the offer and the  
22 woman's signature attesting to her informed decision to accept  
23 or decline the offer.

24 Section 20. Reports. The Department of Public Health shall  
25 prepare and make available a reporting form, to be submitted by

1 each abortion facility to the Department annually. The form  
2 shall provide for the collection of the following information:

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

8 (2) The name of the facility.

9 (3) The date of the report.

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

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