



Rep. Naomi D. Jakobsson

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LRB097 15077 RPM 66347 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."