



Rep. Brandon W. Phelps

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LRB097 03614 RPM 52628 a

1 AMENDMENT TO HOUSE BILL 786

2 AMENDMENT NO. _____. Amend House Bill 786 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 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

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

4 (4) The decision to abort "is an important, and often a
5 stressful one, and it is desirable and imperative that it
6 be made with full knowledge of its nature and
7 consequences". Planned Parenthood v. Danforth, 428 U.S.
8 52, 67 (1976).

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

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

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

18 (3) protect the unborn child from a woman's uninformed
19 decision to have an abortion; and

20 (4) reduce "the risk that a woman may elect an
21 abortion, only to discover later, with devastating
22 psychological consequences, that her decision was not
23 fully informed". Planned Parenthood v. Casey, 505 U.S. 833,
24 882 (1992).

25 Section 10. Definitions. Unless the language or context

1 clearly indicates a different meaning is intended, the
2 following words or phrases for the purpose of this Act shall be
3 given the meaning ascribed to them:

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

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 pregnant woman as to necessitate the
13 immediate abortion of her pregnancy to avert her death or for
14 which a delay will create serious risk of substantial and
15 irreversible impairment of 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 abortions are performed the
25 physician who is to perform the abortion, the referring

1 physician, or another qualified person working in conjunction
2 with either physician shall offer any woman seeking an abortion
3 after 6 weeks of gestation an opportunity to receive and view
4 an active ultrasound of her unborn child by someone qualified
5 to perform ultrasounds at the facility, or at a facility listed
6 in a listing of local ultrasound providers provided by the
7 facility, at least one hour prior to the woman having any part
8 of an abortion performed or induced, and prior to the
9 administration of any anesthesia or medication in preparation
10 for the abortion.

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

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

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

1 information and belief, went on to obtain the abortion.

2 (2) The name of the facility.

3 (3) The date of the report.

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

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

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.".