



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5743

Introduced 2/9/2010, by Rep. Jil Tracy - Linda Chapa LaVia - Darlene J. Senger - Joseph M. Lyons - David Reis, et al.

SYNOPSIS AS INTRODUCED:

New Act

Creates the Ultrasound Opportunity Act. Provides that a facility that performs abortions may not perform an abortion on a woman without first offering the woman an opportunity to receive and view an active ultrasound of her unborn child at the facility or at a facility listed in a listing of local ultrasound providers provided by the facility. Sets forth requirements for the ultrasound image. Requires that the woman's response to the offer be documented. Requires the Department of Public Health to prepare an annual reporting form for facilities that perform abortions, and sets forth information that must be collected. Provides that the requirements under this Act shall not apply when, in the medical judgment of the physician performing or inducing the abortion based on the particular facts of the case before him or her, there exists a medical emergency.

LRB096 18055 KTG 33429 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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. Offer of ultrasound required.

7 (a) A facility that performs abortions may not perform an
8 abortion on a woman without first offering the woman an
9 opportunity to receive and view an active ultrasound of her
10 unborn child at the facility or at a facility listed in a
11 listing of local ultrasound providers provided by the facility.

12 (b) The active ultrasound image must be of a quality
13 consistent with standard medical practice in the community,
14 contain the dimensions of the fetus, and accurately portray the
15 presence of external members and internal organs, including the
16 heartbeat, if present or viewable, of the fetus. The
17 auscultation of the fetal heart tone must be of a quality
18 consistent with standard medical practice in the community.

19 (c) The woman's response to the offer must be documented by
20 the facility, including the date and time of the offer and the
21 woman's signature attesting to her informed decision to accept
22 or decline the offer.

1 Section 10. Reports. The Department of Public Health shall
2 prepare and make available a reporting form, to be submitted to
3 the Department annually, for facilities that perform
4 abortions. The form shall provide for the collection of the
5 following information:

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

11 (2) The name of the facility.

12 (3) The date of the report.

13 (4) A unique patient number for each woman who was
14 offered an opportunity to view an ultrasound as required
15 under Section 5 during the period covered by the report,
16 which can be used to link the report to a medical record
17 for inspection, clarification, and correction purposes but
18 that cannot, of itself, reasonably lead to the
19 identification of any person obtaining an abortion.

20 Section 15. Medical Emergency. The requirements under this
21 Act shall not apply when, in the medical judgment of the
22 physician performing or inducing the abortion based on the
23 particular facts of the case before him or her, there exists a
24 medical emergency. For purposes of this Act, "medical
25 emergency" means a condition that, on the basis of the

1 physician's good faith clinical judgment, so complicates the
2 medical condition of a pregnant woman as to necessitate the
3 immediate abortion of her pregnancy to avert her death or for
4 which a delay will create serious risk of substantial and
5 irreversible impairment of major bodily function.