The original instrument was prepared by Christopher D. Adams. The following digest, which does not constitute a part of the legislative instrument, was prepared by Thomas F. Wade.

DIGEST

Broome (SB 708)

Present law provides the informed consent requirements for an abortion.

Present law provides except in the case of a medical emergency, and in addition to the provisions of R.S. 40:1299.35.6, consent to an abortion of an unborn child at any stage of gestational development is voluntary and informed only if an obstetric ultrasound is performed.

Present law provides the ultrasound shall be performed by the physician who is to perform the abortion, the referring physician, or a qualified person working in conjunction with either physician.

Present law provides at least two hours prior to the woman having any part of an abortion performed or induced, and prior to the administration of any anesthesia or medication in preparation for the abortion on the woman, the physician who is to perform the abortion, the referring physician, or a qualified person working in conjunction with either physician shall comply with all of the following requirements:

1. Perform an obstetric ultrasound on the pregnant woman and offer to simultaneously display the screen which depicts the active ultrasound images so that the pregnant woman may view them.

2. Offer to provide a simultaneous explanation of what the ultrasound is depicting, including the presence and location of the unborn child within the uterus and the number of unborn children depicted, the dimensions of the unborn child, and the presence of external members and internal organs, if present and viewable.

3. Offer to provide the pregnant woman with a sealed envelope clearly marked "ultrasound print" that contains an ultrasound photograph or print of her unborn child of a quality consistent with current standard medical practice that accurately portrays, to the extent feasible, the body of the unborn child including external members, if present and viewable; provided that the pregnant woman shall be informed that present law requires that she be provided with the envelope containing the ultrasound print, but that there is no requirement that she view the print image of her unborn child.

4. Orally read the following statement to the pregnant woman in the examination room prior to beginning the ultrasound examination:

"Louisiana law requires that you be informed of three options that you may

request at any time during this ultrasound examination:

(a) You have the option to view the ultrasound screen at any time during the examination.

(b) You have the option to receive an oral explanation of the ultrasound images.

(c) You have the option to receive an ultrasound photographic print. Please inform me now or at any time during the ultrasound examination if you want to view the screen, receive an oral explanation or receive an ultrasound print."

5. Obtain a written certification from the woman, after the ultrasound and prior to the abortion, that the requirements of present law have been complied with.

6. Retain a copy of the written certification prescribed by present law. Present law requires certification to be placed in the medical file of the woman and kept by the abortion provider for a period of not less than seven years. If the woman is a minor, the certification shall be placed in the medical file of the minor and kept for at least seven years or for five years after the minor reaches the age of majority, whichever is greater. The woman's medical files shall be kept confidential as provided by law.

Proposed law amends present law's time requirement from two hours before the procedure to 24 hours before the procedure.

Proposed law amends present law to require medical personnel to simultaneously display the screen which depicts the active ultrasound images, so the woman may view the images. Proposed law further requires making audible the fetal heartbeat, if present, using a fetal heart monitor.

Proposed law further requires the medical personnel to provide simultaneous and objectively accurate verbal explanation of what the ultrasound is depicting. Proposed law provides the pregnant woman the opportunity to ask questions during the description by the medical personnel. Further provides the pregnant woman the option of requesting an ultrasound photograph or print of her unborn child.

Proposed law requires the medical personnel obtain certification of the pregnant woman by her signature, which confirms that she understands the following statements:
"During this ultrasound examination, you have the right to an oral explanation of the results.

1. You have the option to view the images on the ultrasound screen.

2. The heartbeat of the unborn child, if present, will be made audible, unless you request and sign an opt-out form.

3. You have the right to receive answers to any questions you ask about your ultrasound

examination.

4. You have the right to receive an ultrasound photographic print, which will be provided at your request."

Proposed law provides the options to view or listen to required medical information.

1. A pregnant woman may choose not to exercise her option to request an ultrasound photograph print as provided for under the proposed law.

2. A pregnant woman may choose not to view the ultrasound images required to be provided to and reviewed with the pregnant woman as provided for under the proposed law.

3. A pregnant woman may choose not to listen to the sounds detected by the fetal heart monitor required to be provided to the pregnant woman as provided for under the proposed law.

4. The physician, the agent of the physician, and the pregnant woman are not subject to a penalty under proposed law solely because the pregnant woman chooses not to request an ultrasound print, view the ultrasound images, or hear the heart auscultation.

Proposed law provides pregnant rape survivors or victims of incest who have reported the act to law enforcement officials shall have the opportunity to opt-out of the mandated ultrasound.

Proposed law provides legislative intent.

Effective August 1, 2012.

(Amends R.S. 40:1299.35.2(D) and 1299.35.6(B)(3)(h) and adds R.S. 40:1299.35.2(E))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Removes the requirement that agent of the physician be certified by a national registry of medical sonographers.

2. Changes the required verbal instructions the medical personnel shall provide the pregnant woman prior to the procedure.

3. Provides pregnant rape survivors or victims of incest who have reported the act to law enforcement officials the opportunity to opt-out of the mandatory ultrasound.

4. Provides legislative intent.