STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1898 By: Brogdon

AS INTRODUCED

An Act relating to public health and safety; amending Section 7, Chapter 200, O.S.L. 2005 (63 O.S. Supp. 2005, Section 1-738.2), which relates to voluntary and informed consent for abortions; requiring that women seeking abortions be informed that ultrasound imaging and heart tone monitoring services are available and that information regarding such is available in printed materials and online; providing certain requirements regarding the ultrasound imaging and heart tone monitoring services; amending Section 8, Chapter 200, O.S.L. 2005 (63 O.S. Supp. 2005, Section 1-738.3), which relates to printed and online information regarding abortion; requiring printed material to contain certain information about certain services; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 7, Chapter 200, O.S.L. 2005 (63 O.S. Supp. 2005, Section 1-738.2), is amended to read as follows:

Section 1-738.2 A. No abortion shall be performed in this state except with the voluntary and informed consent of the woman upon whom the abortion is to be performed.

B. Except in the case of a medical emergency, consent to an abortion is voluntary and informed if and only if:

1. a. not less than twenty-four (24) hours prior to the performance of the abortion, the woman is told the following, by telephone or in person, by the physician who is to perform the abortion, or by a referring physician, or by an agent of either physician:

(1) the name of the physician who will perform the abortion,

(2) the medical risks associated with the particular abortion procedure to be employed,

(3) the probable gestational age of the unborn child at the time the abortion is to be performed, ~~and~~

(4) the medical risks associated with carrying her child to term, and

(5) that ultrasound imaging and heart tone monitoring that enable the pregnant woman to view her unborn child and/or listen to the heartbeat of her unborn child are available to her. The physician or agent shall inform the pregnant woman that the website and printed materials described in Section 1-738.3 of this title contain the phone numbers and addresses for facilities that offer such services at no cost and facilities that offer such services for a fee. If the physician who is to perform the abortion will use ultrasound imaging and/or heart tone monitoring in the performance of her abortion, the pregnant woman shall be told by the physician or agent that she has the right to view her unborn child and/or listen to the heartbeat of her unborn child at the abortion facility prior to the performance of her abortion,

b. the information required by this paragraph may be provided by telephone without conducting a physical examination or tests of the woman. If the information is supplied by telephone, the information shall be based on facts supplied to the physician,

c. the information required by this paragraph shall not be provided by a tape recording, but shall be provided during a consultation in which the physician is able

to ask questions of the woman and the woman is able to ask questions of the physician,

d. if a physical examination, tests, or other new information subsequently indicates, in the medical judgment of the physician, the need for a revision of the information previously supplied to the woman, that revised information may be communicated to the woman at any time prior to the performance of the abortion, and

e. nothing in subparagraph a of this paragraph may be construed to preclude provision of the required information in a language understood by the woman through a translator;

2. Not less than twenty-four (24) hours prior to the abortion, the woman is informed, by telephone or in person, by the physician who is to perform the abortion, by a referring physician, or by an agent of either physician:

a. that medical assistance benefits may be available for prenatal care, childbirth, and neonatal care,

b. that the father is liable to assist in the support of her child, even in instances in which the father has offered to pay for the abortion,

c. that:

(1) she has the option to review the printed materials described in Section ~~8~~ 1-738.3 of this ~~act~~ title,

(2) those materials have been provided by the State Board of Medical Licensure and Supervision, and

(3) they describe the unborn child and list agencies that offer alternatives to abortion, and

d. (1) if the woman chooses to exercise her option to view the materials in a printed form, they shall

be mailed to her, by a method chosen by the woman, or

(2) if the woman chooses to exercise her option to view the materials via the Internet, the woman shall be informed at least twenty-four (24) hours before the abortion of the specific address of the Internet ~~web site~~ website where the material can be accessed.

The information required by paragraph 2 of this subsection may be provided by a tape recording if provision is made to record or otherwise register specifically whether the woman does or does not choose to review the printed materials;

3. The woman certifies in writing, prior to the abortion, that she has been told the information described in subparagraph a of paragraph 1 of this subsection and in subparagraphs a, b and c of paragraph 2 of this subsection and that she has been informed of her option to review or reject the printed information described in Section ~~8~~ 1-738.3 of this ~~act~~ title; and

4. Prior to the abortion, the physician who is to perform the abortion or the agent of the physician receives a copy of the written certification prescribed by paragraph 3 of this subsection.

C. The State Board of Medical Licensure and Supervision and the State Board of Osteopathic Examiners shall promulgate rules to ensure that physicians who perform abortions and referring physicians or agents of either physician comply with all the requirements of this section.

D. Before the abortion procedure is performed, the physician shall confirm with the patient that she has received information regarding:

1. The medical risks associated with the particular abortion procedure to be employed;

2. The probable gestational age of the unborn child at the time the abortion is to be performed; and

3. The medical risks associated with carrying the unborn child to term.

E. All physicians who use ultrasound imaging and/or heart tone monitoring that allows an individual to view the unborn child and/or listen to the heartbeat of an unborn child in the performance of an abortion shall inform the pregnant woman that she has the right to view the ultrasound imaging of her unborn child and/or listen to the heartbeat of her unborn child before an abortion is performed, and shall comply with the following requirements:

1. The physician shall certify in writing that the woman was offered an opportunity to view the ultrasound imaging and/or listen to the heartbeat, and shall obtain the woman's acceptance or rejection to view the ultrasound imaging and/or listen to the heartbeat in writing;

2. If the woman accepts the offer and requests to view the ultrasound imaging and/or listen to the heartbeat, she shall be allowed to view the ultrasound imaging and/or listen to the heartbeat; and

3. The physician's certification together with the woman's signed acceptance or rejection shall be placed in the woman's medical file in the physician's office and kept for five (5) years.

SECTION 2. AMENDATORY Section 8, Chapter 200, O.S.L. 2005 (63 O.S. Supp. 2005, Section 1-738.3), is amended to read as follows:

Section 1-738.3 A. Within one hundred twenty (120) days of the effective date of this act, the State Board of Medical Licensure and Supervision shall cause to be published, in English and in Spanish, and shall update on an annual basis, the following printed materials in such a way as to ensure that the information is easily comprehensible:

1. a. geographically indexed materials designed to inform the woman of public and private agencies, including adoption agencies and services that are available to assist a woman through pregnancy, upon childbirth, and while the child is dependent, including:

(1) a comprehensive list of the agencies available,

(2) a description of the services they offer, <u>including which agencies offer ultrasound imaging that enables a pregnant woman to view her unborn child and/or heart tone monitoring that enables the pregnant woman to listen to the heartbeat of her unborn child, and of those agencies, which offer such services at no cost to the pregnant woman,</u> and

(3) a description of the manner, including telephone numbers, in which they might be contacted, or

b. at the option of the Board a toll-free, twenty-four-hour-a-day telephone number which may be called to obtain, in a mechanical, automated, or auditory format, a list and description of agencies in the locality of the caller and of the services they offer; and

2. a. materials designed to inform the woman of the probable anatomical and physiological characteristics of the unborn child at two-week gestational increments from the time when a woman can be known to be pregnant to full term, including:

(1) any relevant information on the possibility of the survival of the unborn child, and

(2) pictures or drawings representing the development of unborn children at two-week gestational increments, provided that the pictures or

drawings shall describe the dimensions of the unborn child and shall be realistic and appropriate for the stage of pregnancy depicted,

b. the materials shall be objective, nonjudgmental, and designed to convey only accurate scientific information about the unborn child at the various gestational ages, and

c. the material shall also contain objective information describing:

(1) the methods of abortion procedures commonly employed,

(2) the medical risks commonly associated with each of those procedures,

(3) the possible detrimental psychological effects of abortion and of carrying a child to term, and

(4) the medical risks commonly associated with carrying a child to term.

B. 1. The materials referred to in subsection A of this section shall be printed in a typeface large enough to be clearly legible.

2. The materials required under this section shall be available at no cost from the State Board of Medical Licensure and Supervision and shall be distributed upon request in appropriate numbers to any person, facility, or hospital.

C. 1. The Board shall provide on its stable Internet ~~web site~~ website the information described under subsection A of this section.

2. The ~~web site~~ website provided for in this subsection shall be maintained at a minimum resolution of 72 PPI.

SECTION 2. This act shall become effective November 1, 2006.