

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1942

By: Treat

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5
6 AS INTRODUCED

7 An Act relating to abortion; amending 63 O.S. 2011,
8 Section 1-738.3d, which relates to ultrasounds before
9 abortions; modifying who shall perform certain
10 ultrasound; requiring certain persons to provide
11 specified documentation; requiring certain image to
12 be kept for specified period of time; clarifying
13 language; and providing an effective date.

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

15 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-738.3d, is
16 amended to read as follows:

17 Section 1-738.3d. A. Any abortion provider who knowingly
18 performs any abortion shall comply with the requirements of this
19 section.

20 B. In order for the woman to make an informed decision, at
21 least one (1) hour prior to a woman having any part of an abortion
22 performed or induced, and prior to the administration of any
23 anesthesia or medication in preparation for the abortion on the
24 woman, ~~the a physician who is to perform or induce the abortion,~~ or

1 ~~the a~~ certified technician ~~working in conjunction with the~~
2 ~~physician,~~ shall:

3 1. Perform an obstetric ultrasound on the pregnant woman, using
4 either a vaginal transducer or an abdominal transducer, whichever
5 would display the embryo or fetus more clearly;

6 2. Provide a simultaneous explanation of what the ultrasound is
7 depicting;

8 3. Display the ultrasound images so that the pregnant woman may
9 view them;

10 4. Provide a medical description of the ultrasound images,
11 which shall include the dimensions of the embryo or fetus, the
12 presence of cardiac activity, if present and viewable, and the
13 presence of external members and internal organs, if present and
14 viewable; ~~and~~

15 5. Obtain a written certification from the woman, prior to the
16 abortion, that the requirements of this subsection have been
17 complied with; and

18 6. ~~Retain~~ Provide a copy of the written certification
19 prescribed by paragraph 5 of this subsection to the abortion
20 provider. The certification shall be placed in the medical file of
21 the woman and shall be kept by the abortion provider for a period of
22 not less than seven (7) years. If the woman is a minor, ~~then~~ the
23 certification shall be placed in the medical file of the minor and
24

1 kept for at least seven (7) years or for five (5) years after the
2 minor reaches the age of majority, whichever is greater.

3 C. An ultrasound image shall be kept by the physician or
4 certified technician who performed the ultrasound for a period of
5 not less than ten (10) years.

6 D. Nothing in this section shall be construed to prevent a
7 pregnant woman from averting her eyes from the ultrasound images
8 required to be provided to and reviewed with her. ~~Neither the A~~
9 ~~physician nor the,~~ certified technician or pregnant woman shall not
10 be subject to any penalty if she refuses to look at the presented
11 ultrasound images.

12 ~~D.~~ E. Upon a determination by an abortion provider that a
13 medical emergency, as defined in Section ~~±~~ 1-738.1a of this ~~act~~
14 title, exists with respect to a pregnant woman, subsection B of this
15 section shall not apply and the provider shall certify in writing
16 the specific medical conditions that constitute the emergency. The
17 certification shall be placed in the medical file of the woman and
18 shall be kept by the abortion provider for a period of not less than
19 seven (7) years. If the woman is a minor, then the certification
20 shall be placed in the medical file of the minor and kept for at
21 least seven (7) years or for five (5) years after the minor reaches
22 the age of majority, whichever is greater.

23 ~~E.~~ F. An abortion provider who willfully falsifies a
24 certification under subsection ~~D~~ E of this section shall be subject

1 to all penalties provided for under ~~Section 3 of this act~~ 1-738.3e
2 of this title.

3 SECTION 2. This act shall become effective November 1, 2012.

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