

# HOUSE BILL No. 1797

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-34-2-1.1.

**Synopsis:** Informed consent for abortion. Adds specific risks of and alternatives to an abortion to the information that must be provided to a woman for consent to be voluntary and informed.

**Effective:** July 1, 1999.

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**Ripley, Whetstone**

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January 26, 1999, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE BILL No. 1797



A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-34-2-1.1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1.1. An abortion shall  
3 not be performed except with the voluntary and informed consent of  
4 the pregnant woman upon whom the abortion is to be performed.  
5 Except in the case of a medical emergency, consent to an abortion is  
6 voluntary and informed only if the following conditions are met:

7 (1) At least eighteen (18) hours before the abortion and in the  
8 presence of the pregnant woman, the physician who is to perform  
9 the abortion, the referring physician or a physician assistant (as  
10 defined in IC 25-27.5-2-10), an advanced practice nurse (as  
11 defined in IC 25-23-1-1(b)), or a midwife (as defined in  
12 IC 34-18-2-19) to whom the responsibility has been delegated by  
13 the physician who is to perform the abortion or the referring  
14 physician has orally informed the pregnant woman of the  
15 following:

- 16 (A) The name of the physician performing the abortion.
- 17 (B) The nature of the proposed procedure or treatment.



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- 1 (C) The risks of ~~and alternatives to~~ the procedure or treatment,  
 2 **including, but not limited to, the following:**  
 3 (i) **Infection.**  
 4 (ii) **Hemorrhage.**  
 5 (iii) **Danger to subsequent pregnancies.**  
 6 (iv) **Breast cancer.**  
 7 (v) **Possible adverse psychological effects.**  
 8 **(D) The alternatives to the procedure or treatment,**  
 9 **including adoption.**  
 10 ~~(E)~~ (E) The probable gestational age of the fetus, including an  
 11 offer to provide:  
 12 (i) a picture or drawing of a fetus;  
 13 (ii) the dimensions of a fetus; and  
 14 (iii) relevant information on the potential survival of an  
 15 unborn fetus;  
 16 at this stage of development.  
 17 ~~(F)~~ (F) The medical risks associated with carrying the fetus to  
 18 term.  
 19 (2) At least eighteen (18) hours before the abortion, the pregnant  
 20 woman will be orally informed of the following:  
 21 (A) That medical assistance benefits may be available for  
 22 prenatal care, childbirth, and neonatal care from the county  
 23 office of family and children.  
 24 (B) That the father of the unborn fetus is legally required to  
 25 assist in the support of the child. In the case of rape, the  
 26 information required under this clause may be omitted.  
 27 (C) That adoption alternatives are available and that adoptive  
 28 parents may legally pay the costs of prenatal care, childbirth,  
 29 and neonatal care.  
 30 (3) The pregnant woman certifies in writing, before the abortion  
 31 is performed, that the information required by subdivisions (1)  
 32 and (2) has been provided.

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