
HOUSE BILL No. 1773

DIGEST OF INTRODUCED BILL

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

Synopsis: Abortion written informed consent in Spanish and English. Requires that a pregnant woman receive required information: (1) orally; and (2) in writing, in both English and Spanish; before consenting to an abortion. (Current law requires that the information be given only orally).

Effective: July 1, 2007.

Cheatham, Denbo

January 26, 2007, read first time and referred to Committee on Public Policy.

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First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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HOUSE BILL No. 1773



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, AS AMENDED BY P.L.36-2005,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 1.1. (a) An abortion shall not be performed except
4 with the voluntary and informed consent of the pregnant woman upon
5 whom the abortion is to be performed. Except in the case of a medical
6 emergency, consent to an abortion is voluntary and informed only if the
7 following conditions are met:

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



- 1 (A) The name of the physician performing the abortion.
- 2 (B) The nature of the proposed procedure or treatment.
- 3 (C) The risks of and alternatives to the procedure or treatment.
- 4 (D) The probable gestational age of the fetus, including an
- 5 offer to provide:
 - 6 (i) a picture or drawing of a fetus;
 - 7 (ii) the dimensions of a fetus; and
 - 8 (iii) relevant information on the potential survival of an
 - 9 unborn fetus;
- 10 at this stage of development.
- 11 (E) The medical risks associated with carrying the fetus to
- 12 term.
- 13 (F) The availability of fetal ultrasound imaging and
- 14 auscultation of fetal heart tone services to enable the pregnant
- 15 woman to view the image and hear the heartbeat of the fetus
- 16 and how to obtain access to these services.
- 17 (2) At least eighteen (18) hours before the abortion, the pregnant
- 18 woman will be **provided in writing in the English and the**
- 19 **Spanish language and** orally informed of the following:
 - 20 (A) That medical assistance benefits may be available for
 - 21 prenatal care, childbirth, and neonatal care from the county
 - 22 office of family and children.
 - 23 (B) That the father of the unborn fetus is legally required to
 - 24 assist in the support of the child. In the case of rape, the
 - 25 information required under this clause may be omitted.
 - 26 (C) That adoption alternatives are available and that adoptive
 - 27 parents may legally pay the costs of prenatal care, childbirth,
 - 28 and neonatal care.
- 29 (3) The pregnant woman certifies in writing, before the abortion
- 30 is performed, that the information required by subdivisions (1)
- 31 and (2) has been provided.
- 32 (b) Before an abortion is performed, the pregnant woman may, upon
- 33 the pregnant woman's request, view the fetal ultrasound imaging and
- 34 hear the auscultation of the fetal heart tone if the fetal heart tone is
- 35 audible.

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