

SENATE BILL No. 489

DIGEST OF INTRODUCED BILL

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

Synopsis: Certification forms before an abortion. Requires that the written certification required of a pregnant woman before undergoing an abortion must be on a form developed by the state department of health. Requires the abortion provider to be the one to perform pre-abortion fetal ultrasound imaging and auscultation of the fetal heart tone. Provides that if the pregnant woman does not want to listen to the auscultation of the fetal heart tone, she must certify that in writing on a form developed by the state department of health.

Effective: July 1, 2013.

Young R Michael

January 14, 2013, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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SENATE BILL No. 489



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.193-2011,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: 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 informed the pregnant woman orally and in writing
16 of the following:

17 (A) The name of the physician performing the abortion, the



- 1 physician's medical license number, and an emergency
 2 telephone number where the physician or the physician's
 3 designee may be contacted on a twenty-four (24) hour a day,
 4 seven (7) day a week basis.
- 5 (B) That follow-up care by the physician or the physician's
 6 designee (if the designee is licensed under IC 25-22.5) and is
 7 available on an appropriate and timely basis when clinically
 8 necessary.
- 9 (C) The nature of the proposed procedure.
- 10 (D) Objective scientific information of the risks of and
 11 alternatives to the procedure, including:
 12 (i) the risk of infection and hemorrhage;
 13 (ii) the potential danger to a subsequent pregnancy; and
 14 (iii) the potential danger of infertility.
- 15 (E) That human physical life begins when a human ovum is
 16 fertilized by a human sperm.
- 17 (F) The probable gestational age of the fetus at the time the
 18 abortion is to be performed, including:
 19 (i) a picture or drawing of a fetus;
 20 (ii) the dimensions of a fetus; and
 21 (iii) relevant information on the potential survival of an
 22 unborn fetus;
 23 at this stage of development.
- 24 (G) That objective scientific information shows that a fetus
 25 can feel pain at or before twenty (20) weeks of postfertilization
 26 age.
- 27 (H) The medical risks associated with carrying the fetus to
 28 term.
- 29 (I) The availability of fetal ultrasound imaging and
 30 auscultation of fetal heart tone services to enable the pregnant
 31 woman to view the image and hear the heartbeat of the fetus
 32 and how to obtain access to these services.
- 33 (J) That the pregnancy of a child less than fifteen (15) years of
 34 age may constitute child abuse under Indiana law if the act
 35 included an adult and must be reported to the department of
 36 child services or the local law enforcement agency under
 37 IC 31-33-5.
- 38 (2) At least eighteen (18) hours before the abortion, the pregnant
 39 woman will be informed orally and in writing of the following:
 40 (A) That medical assistance benefits may be available for
 41 prenatal care, childbirth, and neonatal care from the county
 42 office of the division of family resources.

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- 1 (B) That the father of the unborn fetus is legally required to
 2 assist in the support of the child. In the case of rape, the
 3 information required under this clause may be omitted.
 4 (C) That adoption alternatives are available and that adoptive
 5 parents may legally pay the costs of prenatal care, childbirth,
 6 and neonatal care.
 7 (D) That there are physical risks to the pregnant woman in
 8 having an abortion, both during the abortion procedure and
 9 after.
 10 (E) That Indiana has enacted the safe haven law under
 11 IC 31-34-2.5.
 12 (F) The:
 13 (i) Internet web site address of the state department of
 14 health's web site; and
 15 (ii) description of the information that will be provided on
 16 the web site and that are;
 17 described in section 1.5 of this chapter.
 18 (3) The pregnant woman certifies in writing, **on a form**
 19 **developed by the state department**, before the abortion is
 20 performed, that:
 21 (A) the information required by subdivisions (1) and (2) has
 22 been provided to the pregnant woman;
 23 (B) the pregnant woman has been offered **by the provider** the
 24 opportunity to view the fetal ultrasound imaging and hear the
 25 auscultation of the fetal heart tone if the fetal heart tone is
 26 audible and that the woman has:
 27 (i) viewed or refused to view the offered fetal ultrasound
 28 imaging; and
 29 (ii) listened to or refused to listen to the offered auscultation
 30 of the fetal heart tone if the fetal heart tone is audible; and
 31 (C) the pregnant woman has been given a written copy of the
 32 printed materials described in section 1.5 of this chapter.
 33 (b) Before an abortion is performed, **the provider shall perform,**
 34 **and** the pregnant woman shall view, the fetal ultrasound imaging and
 35 hear the auscultation of the fetal heart tone if the fetal heart tone is
 36 audible unless the pregnant woman certifies in writing, **on a form**
 37 **developed by the state department**, before the abortion is performed,
 38 that the pregnant woman:
 39 (1) does not want to view the fetal ultrasound imaging; **and**
 40 (2) **does not want to listen to the auscultation of the fetal heart**
 41 **tone if the fetal heart tone is audible.**

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