

HOUSE BILL No. 1557

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-34-2.

Synopsis: Informed consent brochure for abortions. Requires the state department of health to develop an informed consent brochure containing specified information related to an abortion and post the brochure on the state department's Internet web site. Requires a provider who is to perform an abortion or a delegated person to provide a color copy of the informed consent brochure and other specified information to the pregnant woman at least 18 hours before the abortion.

Effective: July 1, 2013.

Carbaugh, Negele

January 22, 2013, read first time and referred to Committee on Public Policy.

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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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HOUSE BILL No. 1557



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, before the abortion
 19 is performed, that:
 20 (A) the information required by subdivisions (1) and (2) has
 21 been provided to the pregnant woman;
 22 (B) the pregnant woman has been offered the opportunity to
 23 view the fetal ultrasound imaging and hear the auscultation of
 24 the fetal heart tone if the fetal heart tone is audible and that the
 25 woman has:
 26 (i) viewed or refused to view the offered fetal ultrasound
 27 imaging; and
 28 (ii) listened to or refused to listen to the offered auscultation
 29 of the fetal heart tone if the fetal heart tone is audible; and
 30 (C) the pregnant woman has been given a written copy of the
 31 printed materials described in section 1.5 of this chapter.
 32 **(4) At least eighteen (18) hours before the abortion and in the**
 33 **presence of the pregnant woman, the physician who is to**
 34 **perform the abortion, the referring physician or a physician**
 35 **assistant (as defined in IC 25-27.5-2-10), an advanced practice**
 36 **nurse (as defined in IC 25-23-1-1(b)), or a midwife (as defined**
 37 **in IC 34-18-2-19) to whom the responsibility has been**
 38 **delegated by the physician who is to perform the abortion or**
 39 **the referring physician has provided the pregnant woman**
 40 **with a color copy of the informed consent brochure described**
 41 **in section 1.5 of this chapter by printing the informed consent**
 42 **brochure from the state department's Internet web site and**

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1 including the following information on the back cover of the
2 brochure:

3 (A) The name of the physician performing the abortion
4 and the physician's medical license number.

5 (B) An emergency telephone number where the physician
6 or the physician's designee may be contacted twenty-four
7 (24) hours a day, seven (7) days a week.

8 (C) A statement that follow-up care by the physician or the
9 physician's designee who is licensed under IC 25-22.5
10 is available on an appropriate and timely basis when
11 clinically necessary.

12 (b) Before an abortion is performed, the pregnant woman shall view
13 the fetal ultrasound imaging and hear the auscultation of the fetal heart
14 tone if the fetal heart tone is audible unless the pregnant woman
15 certifies in writing, before the abortion is performed, that the pregnant
16 woman does not want to view the fetal ultrasound imaging.

17 SECTION 2. IC 16-34-2-1.5, AS ADDED BY P.L.193-2011,
18 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2013]: Sec. 1.5. (a) The state department shall **develop an**
20 **informed consent brochure and post Internet web site links**
21 **concerning materials described in this section the informed consent**
22 **brochure** on the state department's Internet web site.

23 (b) The state department shall ~~post Internet web site links relating~~
24 ~~to materials~~ **develop an informed consent brochure** that ~~include~~
25 **includes** the following:

26 (1) Objective scientific information concerning the probable
27 anatomical and physiological characteristics of a fetus every two
28 (2) weeks of gestational age, including the following:

29 (A) Realistic pictures in color for each age of the fetus,
30 including the dimensions of the fetus.

31 (B) Whether there is any possibility of the fetus surviving
32 outside the womb.

33 (2) Objective scientific information concerning the medical risks
34 associated with each abortion procedure, including the following:

35 (A) The risks of infection and hemorrhaging.

36 (B) The potential danger:

37 (i) to a subsequent pregnancy; or

38 (ii) of infertility.

39 (3) Information concerning the medical risks associated with
40 carrying the child to term.

41 (4) Information that medical assistance benefits may be available
42 for prenatal care, childbirth, and neonatal care.

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- 1 (5) Information that the biological father is liable for assistance in
 2 support of the child, regardless of whether the biological father
 3 has offered to pay for an abortion.
- 4 (6) Information regarding telephone 211 dialing code services for
 5 accessing human services as described in IC 8-1-19.5, and the
 6 types of services that are available through this service.
- 7 (c) In complying with subsection (b)(6), the state department shall
 8 consult with the recognized 211 service providers and the Indiana
 9 utility regulatory commission as required by IC 8-1-19.5-9.
- 10 (d) **In the development of the informed consent brochure**
 11 **described in this section, the state department shall use**
 12 **information and pictures that are available at no cost or nominal**
 13 **cost to the state department.**
- 14 (e) **The informed consent brochure must include and meet the**
 15 **following requirements:**
- 16 (1) **Copy must be in the following font sizes:**
- 17 (A) **Cover title of "A Woman's Right to Know" in at least**
 18 **28 point font size and bold.**
- 19 (B) **Subtitle of "Information Material" in at least 18 point**
 20 **font size and bold.**
- 21 (C) **Section headings in 20 point font size and bold.**
- 22 (D) **Subheadings in 16 point font size and italics.**
- 23 (E) **Remaining text in 11 point font size.**
- 24 (2) **Pictures in color.**
- 25 (3) **The state department seal and contact information,**
 26 **including the state department's Internet web site address, on**
 27 **the inside front cover.**
- 28 (4) **The date of publication and publishing information on the**
 29 **inside front cover.**
- 30 (5) **The requirements specified in this chapter.**
- 31 (6) **Scientific information about the growth of the fetus and a**
 32 **corresponding color picture for the following gestational**
 33 **weeks of a pregnancy:**
- 34 (A) **Two (2) weeks gestation.**
- 35 (B) **Four (4) weeks gestation.**
- 36 (C) **Six (6) weeks gestation.**
- 37 (D) **Eight (8) weeks gestation.**
- 38 (E) **Ten (10) weeks gestation.**
- 39 (F) **Twelve (12) weeks gestation.**
- 40 (G) **Fourteen (14) weeks gestation.**
- 41 (H) **Sixteen (16) weeks gestation.**
- 42 (I) **Eighteen (18) weeks gestation.**

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1 **(J) Twenty (20) weeks gestation.**

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