HB489

158594-1

By Representatives Henry, Johnson (K), Collins, Carns, Williams (D), Butler, Roberts, Wilcox, Sessions, Laird, Bridges, Baughn, Hammon, Lee, Farley, Standridge, Chesteen, Baker, Drake, Brown, Holmes (M), Faust, Jones, Moore (B), Merrill, McMillan, Greer, Patterson, Tuggle and Johnson (W)

RFD: Health

First Read: 13-FEB-14
SYNOPSIS: Under existing law, a physician or other qualified person is required to provide certain prescribed materials to a woman at least 24 hours before the performance of an abortion.

This bill would require a physician or other qualified person to provide the prescribed materials to a woman at least 48 hours before the performance of an abortion.

A BILL

TO BE ENTITLED

AN ACT

Relating to the Woman's Right to Know Act; to amend Section 26-23A-4, Code of Alabama 1975, to require a physician or qualified person to provide the materials prescribed under Sections 26-23A-4 and 26-23A-5, Code of Alabama 1975, to a woman at least 48 hours before the performance of an abortion.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
Section 1. Section 26-23A-4, Code of Alabama 1975, is amended to read as follows:

"§26-23A-4.

"Except in the case of a medical emergency, no abortion shall be performed or induced without the voluntary and informed consent of the woman upon whom the abortion is to be performed or induced. Except in the case of a medical emergency, consent to an abortion is voluntary and informed if and only if:

"(a) At least 24 48 hours before the abortion, the physician who is to perform the abortion, the referring physician, or a qualified person has informed and provided the woman in person, or by return receipt certified mail restricted delivery, and if by mail, again in person prior to the abortion, a copy of the printed materials in Section 26-23A-5 which list agencies that offer assistance, adoption agencies, development of the unborn child, methods and risks of abortion and childbirth, father's obligations, and alternatives to abortion. Mailing of the materials in Section 26-23A-5 may be arranged by telephone.

"(b) Prior to an abortion, the physician who is to perform the abortion, the referring physician, or a qualified person has informed the woman in person:

"(1) The name of the physician who will perform the abortion in writing or a business card.

"(2) The nature of the proposed abortion method and associated risks and alternatives that a reasonable patient
would consider material to the decision of whether or not to undergo the abortion.

"(3) The probable gestational age of the unborn child at the time the abortion is to be performed, and the probable anatomical and physiological characteristics of the unborn child at the time the abortion is to be performed. If the unborn child is viable or has reached a gestational age of more than 19 weeks, that:

"a. The unborn child may be able to survive outside the womb.

"b. The woman has the right to request the physician to use the method of abortion that is most likely to preserve the life of the unborn child, provided such abortion is not otherwise prohibited by law.

c. If the unborn child is born alive, the attending physician has the legal obligation to take all reasonable steps necessary to maintain the life and health of the child.

"(4) The physician who is to perform the abortion or the referring physician is required to perform an ultrasound on the unborn child before the abortion. The woman has a right to view the ultrasound before an abortion. The woman shall complete a required form to acknowledge that she either saw the ultrasound image of her unborn child or that she was offered the opportunity and rejected it.

"(5) She has the right to view the videotape and ultrasound of her unborn child as described in Section 26-23A-6.
"(6) Any need for anti-Rh immune globulin therapy, and if she is Rh negative, the likely consequences of refusing such therapy and the cost of the therapy.

"(7) She cannot be forced or required by anyone to have an abortion. She is free to withhold or withdraw her consent for an abortion without affecting her right to future care or treatment and without the loss of any state or federally funded benefits to which she might otherwise be entitled.

"(c) The woman shall complete and sign a form that she has received the information of subsections (a) and (b), and does provide her informed consent for an abortion on her unborn child.

"(d) Prior to the performance of an abortion, the physician who is to perform the abortion or his or her agent shall receive the signed receipt of the certified mail dated 24-48 hours before the abortion, if mailed, and the signed forms that she has received the information of subsections (a) and (b) before the abortion, had the opportunity to view the video and the ultrasound of her unborn child, and provided her informed consent for an abortion. The abortion facility shall retain the signed receipt, signed forms, and the ultrasound in the woman's medical file for the time required by law, but not less than four years."

Section 2. This act shall become effective 30 days following its passage and approval by the Governor, or its otherwise becoming law.