

HB 1613 -- ULTRASOUND INFORMED CONSENT ACT

SPONSOR: Gatschenberger

This bill prohibits an abortion from being performed or induced without the voluntary and informed consent of the woman upon whom the abortion is performed or induced. Except in the case of a medical emergency, consent to an abortion is voluntary and informed only if:

(1) At least 72 hours before the abortion, the physician who is to perform the abortion has informed the woman orally and in writing of specified information; and

(2) At least 72 hours prior to the abortion, the abortion provider has provided the woman in writing and, where applicable, orally certain specified information.

The information must be provided individually in a private room and the woman must be provided with an adequate opportunity to ask questions and receive answers she can understand. If the woman is unable to read the written materials provided to her, the material must be read to her and, if necessary, must be explained in a way understandable to her. If the woman is unable to understand the sonogram, it must be explained to her.

The woman must sign separate statements that the abortion provider has complied with each of the specified provisions and the abortion provider must, under oath and penalty of perjury, sign separate statements that he or she has complied with each of the specified provisions. An abortion provider is prohibited from accepting payment or otherwise binding a woman to make payment for the performance or inducement of an abortion prior to the expiration of 72 hours from the physician's fulfillment of the duties specified.

Any individual who intentionally, knowingly, or recklessly violates any of these provisions or who performs an abortion with reason to believe the abortion is a violation of these provisions must be imprisoned for up to 10 years, fined not more than \$1 million for each violation, or both. Any person or entity that has been convicted under these provisions must be referred to the professional disciplinary authority in this state.

Any individual aggrieved by a violation of these provisions by an abortion provider may bring a cause of action against the abortion provider for damages, punitive damages, treble damages, and such equitable remedies as the court may deem appropriate.