

1 HB489
2 158594-1
3 By Representatives Henry, Johnson (K), Collins, Carns,
4 Williams (D), Butler, Roberts, Wilcox, Sessions, Laird,
5 Bridges, Baughn, Hammon, Lee, Farley, Standridge, Chesteen,
6 Baker, Drake, Brown, Holmes (M), Faust, Jones, Moore (B),
7 Merrill, McMillan, Greer, Patterson, Tuggle and Johnson (W)
8 RFD: Health
9 First Read: 13-FEB-14

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8 SYNOPSIS: Under existing law, a physician or other
9 qualified person is required to provide certain
10 prescribed materials to a woman at least 24 hours
11 before the performance of an abortion.

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

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17 A BILL
18 TO BE ENTITLED
19 AN ACT

20
21 Relating to the Woman's Right to Know Act; to amend
22 Section 26-23A-4, Code of Alabama 1975, to require a physician
23 or qualified person to provide the materials prescribed under
24 Sections 26-23A-4 and 26-23A-5, Code of Alabama 1975, to a
25 woman at least 48 hours before the performance of an abortion.
26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 26-23A-4, Code of Alabama 1975,
2 is amended to read as follows:

3 "§26-23A-4.

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

10 "(a) At least ~~24~~ 48 hours before the abortion, the
11 physician who is to perform the abortion, the referring
12 physician, or a qualified person has informed and provided the
13 woman in person, or by return receipt certified mail
14 restricted delivery, and if by mail, again in person prior to
15 the abortion, a copy of the printed materials in Section
16 26-23A-5 which list agencies that offer assistance, adoption
17 agencies, development of the unborn child, methods and risks
18 of abortion and childbirth, father's obligations, and
19 alternatives to abortion. Mailing of the materials in Section
20 26-23A-5 may be arranged by telephone.

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

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

26 "(2) The nature of the proposed abortion method and
27 associated risks and alternatives that a reasonable patient

1 would consider material to the decision of whether or not to
2 undergo the abortion.

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

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

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

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

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

25 "(5) She has the right to view the videotape and
26 ultrasound of her unborn child as described in Section
27 26-23A-6.

1 "(6) Any need for anti-Rh immune globulin therapy,
2 and if she is Rh negative, the likely consequences of refusing
3 such therapy and the cost of the therapy.

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

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

14 "(d) Prior to the performance of an abortion, the
15 physician who is to perform the abortion or his or her agent
16 shall receive the signed receipt of the certified mail dated
17 ~~24~~ 48 hours before the abortion, if mailed, and the signed
18 forms that she has received the information of subsections (a)
19 and (b) before the abortion, had the opportunity to view the
20 video and the ultrasound of her unborn child, and provided her
21 informed consent for an abortion. The abortion facility shall
22 retain the signed receipt, signed forms, and the ultrasound in
23 the woman's medical file for the time required by law, but not
24 less than four years."

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

