

SENATE BILL NO. 191

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY SENATORS COGHILL, Huggins, Dyson, Giessel, Olson

Introduced: 2/8/12

Referred: Health and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act requiring an ultrasound before an abortion."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 18.16.060(b) is amended to read:

4 (b) Consent to an abortion is informed and voluntary when the woman or
5 another person whose consent is required certifies in writing that the physician who is
6 to perform the abortion, a member of the physician's staff who is a licensed health care
7 provider, or the referring physician has verbally informed the woman or another
8 person whose consent is required of the name of the physician who will perform the
9 procedure and the gestational estimation of the pregnancy at the time the abortion is to
10 be performed, **verified by ultrasound examination conducted as provided under**
11 **(e) of this section,** and has provided either

12 (1) the Internet information required to be maintained under
13 AS 18.05.032; the physician or a member of the physician's staff who is a licensed
14 health care provider shall provide a copy of the Internet information if a person
15 requests a written copy; if a member of the physician's staff provides the information

1 required under this paragraph, the member of the physician's staff shall offer the
2 opportunity to consult with the physician; or

3 (2) information about the nature and risks of undergoing or not
4 undergoing the proposed procedure that a reasonable patient would consider material
5 to making a voluntary and informed decision of whether to undergo the procedure.

6 * **Sec. 2.** AS 18.16.060(c) is amended to read:

7 (c) The information required in (b) **and (e)** of this section shall be provided
8 before the procedure in a private setting to protect privacy, maintain the confidentiality
9 of the decision, ensure that the information focuses on the individual circumstances,
10 and ensure an adequate opportunity to ask questions. Provision of the information
11 telephonically or by electronic mail, regular mail, or facsimile transmittal before the
12 person's appointment satisfies the requirements of this subsection as long as the person
13 whose consent is required under (a) of this section has an opportunity to ask questions
14 of the physician after receiving the information.

15 * **Sec. 3.** AS 18.16.060 is amended by adding a new subsection to read:

16 (e) In addition to the information provided under (a) - (c) of this section, a
17 physician or another qualified person under the direction of the physician shall
18 conduct an ultrasound examination before performing an abortion as follows:

19 (1) except as provided in (d) of this section, the woman or another
20 person whose consent is required shall be informed of her right to

21 (A) view the ultrasound image while the examination is being
22 conducted;

23 (B) receive an explanation by a health care professional of the
24 ultrasound image while the examination is being conducted; in this
25 subparagraph, "health care professional" means a person who is licensed in the
26 state as a physician or a registered nurse, practical nurse, advanced nurse
27 practitioner, physician assistant who is working under the direction of a
28 licensed physician, or a person who is trained and certified by a nationally
29 recognized entity as a sonographer;

30 (C) decline to view the image or hear the explanation described
31 in (A) and (B) of this paragraph;

1 (2) the ultrasound shall be conducted in a manner consistent with
2 standards of medical practice in the community;

3 (3) if the woman or another person whose consent is required declines
4 under (1)(C) of this subsection, the woman shall sign a form stating that she was
5 provided an opportunity to view the ultrasound and to hear an explanation of the
6 examination but that she declined to view the ultrasound or hear an explanation of the
7 examination or both.