

1 H.57

2 Representative Strong of Albany moves that the bill be amended as follows:

3 First: In Sec. 2, 18 V.S.A. chapter 223, in section 9494 (interference with
4 reproductive choice prohibited), in subsection (a), before “public entity” by
5 striking out the word “A” and inserting in lieu thereof the following:

6 Except as provided in this chapter, a

7 Second: In Sec. 2, 18 V.S.A. chapter 223, in section 9497 (abortion;
8 restricting access prohibited) before “public entity shall not” by striking out the
9 word “A” and inserting in lieu thereof the following:

10 Except as provided in this chapter, a

11 Third: In Sec. 2, 18 V.S.A. chapter 223, after section 9498, by inserting a
12 new section as follows:

13 Sec. 3. 18 V.S.A. § 9499 is added to read:

14 § 9499. ABORTION; INFORMED CONSENT; ULTRASOUND

15 REQUIRED

16 (a) As used in this section, “health care provider” means an individual
17 licensed or certified or authorized by law to provide professional health care
18 service in this State to a patient during that patient’s medical care, treatment, or
19 confinement.

20 (b) An abortion shall not be performed or induced without the voluntary
21 and informed consent of the individual on whom the abortion is to be

1 performed or induced. Except in the case of a medical emergency, consent to
2 an abortion is voluntary and informed only if:

3 (1) At least 24 hours before the individual having any part of an abortion
4 performed or induced, the health care provider who is to perform the abortion,
5 or a qualified person working in conjunction with the health care provider
6 shall:

7 (A) Perform fetal ultrasound imaging and auscultation of fetal heart
8 tone services on the individual receiving the abortion.

9 (B) Offer to provide the individual with an opportunity to view the
10 active ultrasound image of the unborn child and hear the heartbeat of the
11 unborn child if the heartbeat is audible. The active ultrasound image must be
12 of a quality consistent with standard medical practice in the community,
13 contain the dimensions of the unborn child and accurately portray the presence
14 of external members and internal organs, if present or viewable, of the unborn
15 child. The auscultation of fetal heart tone must be of a quality consistent with
16 standard medical practice in the community.

17 (C) Offer to provide the individual with a simultaneous explanation
18 of what the ultrasound is depicting, including the presence and location of the
19 unborn child within the uterus, the number of unborn children depicted, the
20 dimensions of the unborn child and the presence of any external members and
21 internal organs, if present or viewable.

1 (D) Offer to provide the individual with a physical picture of the
2 ultrasound image of the unborn child.

3 (2) The individual certifies in writing prior to the abortion that the
4 individual has been given the opportunity to view the active ultrasound image
5 and hear the heartbeat of the unborn child if the heartbeat is audible and that
6 the individual opted to view or not view the active ultrasound image and hear
7 or not hear the heartbeat of the unborn child.

8 (c) A violation of this section shall constitute unprofessional conduct as
9 provided in the relevant provisions of Title 26 and shall subject the health care
10 provider to discipline pursuant to the applicable provisions of that title and of 3
11 V.S.A. chapter 5.