

1 H.565

2 Introduced by Representatives Strong of Albany, Achey of Middletown

3 Springs, Hango of Berkshire, Higley of Lowell, Lefebvre of

4 Orange, Martel of Waterford, Peterson of Clarendon,

5 Rosenquist of Georgia, and Williams of Granby

6 Referred to Committee on

7 Date:

8 Subject: Health; reproductive rights; ultrasound required

9 Statement of purpose of bill as introduced: This bill proposes to require that, at
10 least 24 hours prior to performing an abortion, the abortion services provider
11 must perform a fetal ultrasound and auscultation of fetal heart tone services on
12 the patient and offer the patient the opportunity to view the active ultrasound
13 image and hear the heartbeat of the unborn child if the heartbeat is audible.

14 An act relating to requiring the performance of a fetal ultrasound prior to
15 obtaining an abortion

16 It is hereby enacted by the General Assembly of the State of Vermont:

17 Sec. 1. 18 V.S.A. § 9494 is amended to read:

18 § 9494. INTERFERENCE WITH REPRODUCTIVE CHOICE PROHIBITED

19 (a) ~~A~~ Except as provided in section 9499 of this title, a public entity as
20 defined in section 9496 of this title shall not, in the regulation or provision of

1 benefits, facilities, services, or information, deny or interfere with an
2 individual's fundamental rights to choose or refuse contraception or
3 sterilization or to choose to carry a pregnancy to term, to give birth to a child,
4 or to obtain an abortion.

5 (b) No State or local law enforcement shall prosecute any individual for
6 inducing, performing, or attempting to induce or perform the individual's own
7 abortion.

8 Sec. 2. 18 V.S.A. § 9497 is amended to read:

9 § 9497. ABORTION; RESTRICTING ACCESS PROHIBITED

10 ~~A~~ Except as provided in section 9499 of this title, a public entity shall not:

11 (1) deprive a consenting individual of the choice of terminating the
12 individual's pregnancy;

13 (2) interfere with or restrict, in the regulation or provision of benefits,
14 facilities, services, or information, the choice of a consenting individual to
15 terminate the individual's pregnancy;

16 (3) prohibit a health care provider, acting within the scope of the health
17 care provider's license, from terminating or assisting in the termination of a
18 patient's pregnancy; or

19 (4) interfere with or restrict, in the regulation or provision of benefits,
20 facilities, services, or information, the choice of a health care provider acting

1 within the scope of the health care provider's license to terminate or assist in
2 the termination of a patient's pregnancy.

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

4 § 9499. ABORTION; INFORMED CONSENT; ULTRASOUND

5 REQUIRED

6 (a) As used in this section, "health care provider" means an individual
7 licensed, certified, or authorized by law to provide professional health care
8 services in this State to a patient during that patient's medical care, treatment,
9 or confinement.

10 (b) An abortion shall not be performed or induced without the voluntary
11 and informed consent of the individual on whom the abortion is to be
12 performed or induced. Except in the case of a medical emergency, consent to
13 an abortion is voluntary and informed only if:

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

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

20 (B) Offer to provide the individual with an opportunity to view the
21 active ultrasound image of the unborn child and hear the heartbeat of the

1 unborn child if the heartbeat is audible. The active ultrasound image must be
2 of a quality consistent with standard medical practice in the community,
3 contain the dimensions of the unborn child, and accurately portray the presence
4 of external members and internal organs, if present or viewable, of the unborn
5 child. The auscultation of fetal heart tone must be of a quality consistent with
6 standard medical practice in the community.

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

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

14 (2) The individual certifies in writing prior to the abortion that the
15 individual has been given the opportunity to view the active ultrasound image
16 and hear the heartbeat of the unborn child if the heartbeat is audible and that
17 the individual opted to view or not view the active ultrasound image and hear
18 or not hear the heartbeat of the unborn child.

19 (c) A violation of this section shall constitute unprofessional conduct as
20 provided in the relevant provisions of Title 26 and shall subject the health care

- 1 provider to discipline pursuant to the applicable provisions of that title and of
- 2 3 V.S.A. chapter 5.
- 3 Sec. 4. EFFECTIVE DATE
- 4 This act shall take effect on July 1, 2022.