

1 HB489
2 158594-2
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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ENROLLED, An Act,

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

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

"§26-23A-4.

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

"(a) At least ~~24~~ 48 hours before the abortion, the physician who is to perform the abortion, the referring physician, or a qualified person has informed and provided the woman in person, or by return receipt certified mail restricted delivery, and if by mail, again in person prior to the abortion, a copy of the printed materials in Section 26-23A-5 which list agencies that offer assistance, adoption agencies, development of the unborn child, methods and risks

1 of abortion and childbirth, father's obligations, and
2 alternatives to abortion. Mailing of the materials in Section
3 26-23A-5 may be arranged by telephone.

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

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

9 "(2) The nature of the proposed abortion method and
10 associated risks and alternatives that a reasonable patient
11 would consider material to the decision of whether or not to
12 undergo the abortion.

13 "(3) The probable gestational age of the unborn
14 child at the time the abortion is to be performed, and the
15 probable anatomical and physiological characteristics of the
16 unborn child at the time the abortion is to be performed. If
17 the unborn child is viable or has reached a gestational age of
18 more than 19 weeks, that:

19 "a. The unborn child may be able to survive outside
20 the womb.

21 "b. The woman has the right to request the physician
22 to use the method of abortion that is most likely to preserve
23 the life of the unborn child, provided such abortion is not
24 otherwise prohibited by law.

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

4 "(4) The physician who is to perform the abortion or
5 the referring physician is required to perform an ultrasound
6 on the unborn child before the abortion. The woman has a right
7 to view the ultrasound before an abortion. The woman shall
8 complete a required form to acknowledge that she either saw
9 the ultrasound image of her unborn child or that she was
10 offered the opportunity and rejected it.

11 "(5) She has the right to view the videotape and
12 ultrasound of her unborn child as described in Section
13 26-23A-6.

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

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

23 "(c) The woman shall complete and sign a form that
24 she has received the information of subsections (a) and (b),

1 and does provide her informed consent for an abortion on her
2 unborn child.

3 "(d) Prior to the performance of an abortion, the
4 physician who is to perform the abortion or his or her agent
5 shall receive the signed receipt of the certified mail dated
6 ~~24~~ 48 hours before the abortion, if mailed, and the signed
7 forms that she has received the information of subsections (a)
8 and (b) before the abortion, had the opportunity to view the
9 video and the ultrasound of her unborn child, and provided her
10 informed consent for an abortion. The abortion facility shall
11 retain the signed receipt, signed forms, and the ultrasound in
12 the woman's medical file for the time required by law, but not
13 less than four years."

14 Section 2. This act shall become effective 30 days
15 following its passage and approval by the Governor, or its
16 otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 04-MAR-14.

Jeff Woodard
Clerk

Senate 02-APR-14 Passed