

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1172 be amended to read as follows:

- 1 Page 22, between lines 18 and 19, begin a new paragraph and insert:
2 "SECTION 14. IC 16-34-2-1.1, AS AMENDED BY P.L.36-2005,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2008]: Sec. 1.1. (a) An abortion shall not be performed except
5 with the voluntary and informed consent of the pregnant woman upon
6 whom the abortion is to be performed. Except in the case of a medical
7 emergency, consent to an abortion is voluntary and informed only if the
8 following conditions are met:
9 (1) At least eighteen (18) hours before the abortion and in the
10 presence of the pregnant woman, the physician who is to perform
11 the abortion, the referring physician or a physician assistant (as
12 defined in IC 25-27.5-2-10), an advanced practice nurse (as
13 defined in IC 25-23-1-1(b)), or a midwife (as defined in
14 IC 34-18-2-19) to whom the responsibility has been delegated by
15 the physician who is to perform the abortion or the referring
16 physician has orally informed the pregnant woman of the
17 following:
18 (A) The name of the physician performing the abortion.
19 (B) The nature of the proposed procedure or treatment.
20 (C) The risks of and alternatives to the procedure or treatment.
21 (D) The probable gestational age of the fetus, including an
22 offer to provide:
23 (i) a picture or drawing of a fetus;
24 (ii) the dimensions of a fetus; and
25 (iii) relevant information on the potential survival of an
26 unborn fetus;
27 at this stage of development.
28 (E) The medical risks associated with carrying the fetus to
29 term.
30 (F) The availability of fetal ultrasound imaging and
31 auscultation of fetal heart tone services to enable the pregnant

1 woman to view the image and hear the heartbeat of the fetus
2 and how to obtain access to these services.

3 **(G) That there is differing medical evidence concerning**
4 **when a fetus feels pain.**

5 (2) At least eighteen (18) hours before the abortion, the pregnant
6 woman will be orally informed of the following:

7 (A) That medical assistance benefits may be available for
8 prenatal care, childbirth, and neonatal care from the county
9 office of family and children.

10 (B) That the father of the unborn fetus is legally required to
11 assist in the support of the child. In the case of rape, the
12 information required under this clause may be omitted.

13 ~~(C) That adoption alternatives are available and that adoptive~~
14 ~~parents may legally pay the costs of prenatal care, childbirth,~~
15 ~~and neonatal care.~~

16 **(3) At least eighteen (18) hours before the abortion, the**
17 **pregnant woman will be informed in writing of the following:**

18 **(A) That adoption alternatives are available, that there are**
19 **many couples who are willing and waiting to adopt a child,**
20 **and that, under certain circumstances, adoptive parents**
21 **may legally pay costs associated with prenatal care,**
22 **childbirth, and neonatal care.**

23 **(B) That there are physical risks to the woman in having**
24 **an abortion, both during the abortion procedure and after.**

25 **(C) That an embryo formed by the fertilization of a human**
26 **ovum by a human sperm immediately begins to divide and**
27 **grow as human physical life.**

28 ~~(3)~~ **(4) The pregnant woman certifies in writing, before the**
29 **abortion is performed, that the information required by**
30 **subdivisions (1) and (2) through (3) has been provided.**

31 (b) Before an abortion is performed, the pregnant woman may, upon
32 the pregnant woman's request, view the fetal ultrasound imaging and
33 hear the auscultation of the fetal heart tone if the fetal heart tone is
34 audible.

35 SECTION 15. IC 16-34-2-4.5 IS ADDED TO THE INDIANA
36 CODE AS A NEW SECTION TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2008]: **Sec. 4.5. (a) A physician may not**
38 **perform an abortion unless the physician has admitting privileges**
39 **at a hospital located:**

40 **(1) in the county; or**

41 **(2) in a county adjacent to the county;**

42 **in which the abortion is performed.**

43 **(b) The physician who performs an abortion shall notify the**
44 **patient of the location of the hospital at which the physician has**
45 **privileges and where the patient may receive follow-up care by the**
46 **physician if complications arise."**

47 Renumber all SECTIONS consecutively.

(Reference is to EHB 1172 as printed February 22, 2008.)

Senator MILLER