

HOUSE BILL 984

By Womick

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 15; Title 63, Chapter 6; Title 63, Chapter 9 and Title 68, Chapter 11, relative to the performance of an ultrasound prior to the performance of an abortion.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 15, Part 2, is amended by adding the following language as a new, appropriately designated section:

(a) As used in this section:

(1) "Abortion provider" means a facility where an abortion is performed, including the office of a physician licensed under title 63, chapter 6 or 9, or a facility licensed under title 68, chapter 11;

(2) "Medical emergency" means any condition that, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate termination of her pregnancy to avert her death or for which a delay will create a serious risk of substantial and irreversible impairment of a major bodily function; and

(3) "Ultrasound" means the use of ultrasonic waves for diagnostic or therapeutic purposes, specifically to monitor an unborn child.

(b) Not more than seventy-two (72) hours and not less than twenty-four (24) hours before the performance of an abortion, and before any sedative or anesthetic is administered to the pregnant woman, a qualified medical professional trained in sonography and working under the supervision of a physician licensed in this state shall:

(1) Perform a live, real-time fetal transabdominal ultrasound imaging on the pregnant woman on whom the abortion is to be performed for the purpose of determining gestational age;

(2) Display the live, real-time fetal transabdominal ultrasound images in a quality consistent with current medical practice in a manner that the pregnant woman may view them;

(3)

(A) Verbally offer the woman undergoing the fetal transabdominal ultrasound an opportunity to view the ultrasound image and receive a printed copy of the ultrasound image; or

(B) In cases where the woman declines the offer to view the ultrasound image pursuant to subdivision (b)(3)(A), provide, in a manner understandable to a layperson, a simultaneous verbal explanation of the results of the live, real-time ultrasound images, including a medical description of the dimensions of the embryo or fetus, the presence of cardiac activity, and the presence of arms, legs, external members and internal organs, and provide a copy of the ultrasound image to the woman; and

(4) Make audible the live, real-time heart auscultation, when present, for the pregnant woman to hear, in a quality consistent with current medical practice, and provide, in a manner understandable to a layperson, a simultaneous verbal explanation of the live, real-time heart auscultation.

(c) During a visit made to an abortion provider to fulfill the requirements of subsection (b), the abortion provider and any person at the facility is prohibited from accepting any form of payment, deposit, or exchange or make any financial agreement for an abortion or abortion-related services other than for payment of a service required by subsection (b). The amount charged for a service required by subsection (b) may not

exceed the average reimbursement rate established for the service under the medical assistance program as certified by the bureau of TennCare.

(d) An abortion provider shall not be required to perform a fetal transabdominal ultrasound on a pregnant woman when an abortion is to be performed pursuant to a medical emergency or spontaneous miscarriage.

(e) During a visit made to an abortion provider to fulfill the requirements of subsection (b), the abortion provider shall obtain from the pregnant woman on whom the ultrasound was performed, a written statement with her signature, and the signature of the qualified medical professional who performed the ultrasound, certifying that the woman received:

(1) A live, real-time fetal transabdominal ultrasound imaging for the purpose of determining gestational age;

(2) A verbal offer to view the ultrasound image;

(3) A printed copy of the ultrasound image;

(4) In a manner understandable to a layperson, a simultaneous verbal explanation of the results of the live, real-time ultrasound image, including a medical description of the dimensions of the embryo or fetus, presence of cardiac activity, and the presence of arms, legs external members and internal organs, if applicable pursuant to subdivision (b)(3)(B); and

(5) An audible, live, real-time heart auscultation, if present, of the fetus in which the ultrasound was performed.

(f) A printed copy of the ultrasound image and a copy of the signed written statement required by subsection (e) shall be maintained in the woman's medical record at the facility where the abortion is to be performed for seven (7) years.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.