

By: Representatives Wells-Smith, Carlton,  
Fillingane, Howell, Lott, Mims, Moore,  
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To: Public Health and Human  
Services

HOUSE BILL NO. 988

1 AN ACT TO REQUIRE THAT BEFORE AN ABORTION IS PERFORMED, THE  
2 PATIENT SHALL BE PROVIDED WITH AN OPPORTUNITY TO VIEW AN  
3 ULTRASOUND IMAGE OF THE UNBORN CHILD AND HEAR THE HEARTBEAT OF THE  
4 UNBORN CHILD; TO REQUIRE THAT THE PATIENT MUST SIGN A  
5 CERTIFICATION FORM STATING THAT SHE HAS BEEN PROVIDED THOSE  
6 SERVICES BEFORE THE ABORTION MAY BE PERFORMED; TO PROVIDE  
7 PENALTIES FOR PERFORMING AN ABORTION WITHOUT COMPLYING WITH THIS  
8 ACT; TO AMEND SECTION 41-41-33, MISSISSIPPI CODE OF 1972, TO  
9 CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** (1) At least twenty-four (24) hours before the  
12 performance or induction of an abortion, as defined in Section  
13 41-41-31, a physician or qualified person assisting the physician  
14 shall perform fetal ultrasound imaging and auscultation of fetal  
15 heart tone services, provide the patient with an opportunity to  
16 view the active ultrasound image of the unborn child and hear the  
17 heartbeat of the unborn child if the heartbeat is audible, and  
18 offer to provide the patient with a physical picture of the  
19 ultrasound image of the unborn child. The ultrasound image must  
20 be of a quality consistent with standard medical practice in the  
21 community, shall contain the dimensions of the unborn child and  
22 shall accurately portray the presence of external members and  
23 internal organs, if present or viewable, of the unborn child.

24 (2) After performance of the services specified in  
25 subsection (1) of this section, and at least twenty-four (24)  
26 hours before the performance or induction of an abortion, a  
27 physician or qualified person assisting the physician shall obtain  
28 the patient's signature on a certification form stating that fetal  
29 ultrasound imaging and auscultation of fetal heart tone services  
30 have been performed, that the patient has been given the

31 opportunity to view the active ultrasound image and hear the  
32 heartbeat of the unborn child if the heartbeat is audible, and  
33 that she has been offered a physical picture of the ultrasound  
34 image. Before the abortion is performed or induced, the physician  
35 who is to perform or induce the abortion shall receive a copy of  
36 the patient's signed certification form, and shall retain a copy  
37 of the signed certification form in the patient's medical record.

38 (3) The State Department of Health shall enforce the  
39 provisions of this section at abortion facilities, as defined in  
40 Section 41-75-1.

41 (4) Anyone who purposefully, knowingly or recklessly  
42 performs or attempts to perform or induce an abortion without  
43 complying with this section shall, upon conviction, be guilty of a  
44 misdemeanor and shall be punished by a fine of One Thousand  
45 Dollars (\$1,000.00), by imprisonment in the county jail for a  
46 period of time not to exceed six (6) months, or both such fine and  
47 imprisonment.

48 **SECTION 2.** Section 41-41-33, Mississippi Code of 1972, is  
49 amended as follows:

50 41-41-33. (1) No abortion shall be performed or induced  
51 except with the voluntary and informed consent of the woman upon  
52 whom the abortion is to be performed or induced. Except in the  
53 case of a medical emergency, consent to an abortion is voluntary  
54 and informed if and only if:

55 (a) The woman is told the following by the physician  
56 who is to perform or induce the abortion or by the referring  
57 physician, orally and in person, at least twenty-four (24) hours  
58 before the abortion:

59 (i) The name of the physician who will perform or  
60 induce the abortion;

61 (ii) The particular medical risks associated with  
62 the particular abortion procedure to be employed including, when

63 medically accurate, the risks of infection, hemorrhage and breast  
64 cancer, and the danger to subsequent pregnancies and infertility;

65 (iii) The probable gestational age of the unborn  
66 child at the time the abortion is to be performed or induced; and

67 (iv) The medical risks associated with carrying  
68 her child to term.

69 (b) The woman is informed, by the physician or his  
70 agent, orally and in person, at least twenty-four (24) hours  
71 before the abortion:

72 (i) That medical assistance benefits may be  
73 available for prenatal care, childbirth and neonatal care;

74 (ii) That the father is liable to assist in the  
75 support of her child, even in instances in which the father has  
76 offered to pay for the abortion;

77 (iii) That there are available services provided  
78 by public and private agencies which provide pregnancy prevention  
79 counseling and medical referrals for obtaining pregnancy  
80 prevention medications or devices; and

81 (iv) That she has the right to review the printed  
82 materials described in Section 41-41-35(1)(a), (b) and (c). The  
83 physician or his agent shall orally inform the woman that those  
84 materials have been provided by the State of Mississippi and that  
85 they describe the unborn child and list agencies that offer  
86 alternatives to abortion. If the woman chooses to view those  
87 materials, copies of them shall be furnished to her. The  
88 physician or his agent may disassociate himself or themselves from  
89 those materials, and may comment or refrain from comment on them  
90 as he chooses. The physician or his agent shall provide the woman  
91 with the printed materials described in Section 41-41-35(1)(d).

92 (c) The woman certifies in writing before the abortion  
93 that the information described in paragraphs (a) and (b) of this  
94 section has been furnished to her, and that she has been informed

95 of her opportunity to review the information referred to in  
96 subparagraph (iv) of paragraph (b) of this section.

97 (d) Before the abortion is performed or induced, the  
98 physician who is to perform or induce the abortion receives a copy  
99 of the written certification prescribed by this section.

100 (e) All of the provisions of Section 1 of this act have  
101 been complied with.

102 (2) The State Department of Health shall enforce the  
103 provisions of Sections 41-41-31 through 41-41-39 at abortion  
104 facilities, as defined in Section 41-75-1.

105 **SECTION 3.** This act shall take effect and be in force from  
106 and after July 1, 2006.