

By: Representative Smith (39th)

To: Public Health and Human
Services

HOUSE BILL NO. 1204

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.