

By: Representative Wells-Smith

To: Public Health and Human  
Services

## HOUSE BILL NO. 1451

1 AN ACT TO AMEND SECTION 41-41-33, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THAT A WOMAN BE GIVEN THE OPPORTUNITY TO VIEW A  
3 SONOGRAM OR LISTEN TO THE HEARTBEAT OF HER UNBORN CHILD BEFORE  
4 CONSENTING TO AN ABORTION; TO AMEND SECTION 41-41-39, MISSISSIPPI  
5 CODE OF 1972, TO CLARIFY CRIMINAL PENALTIES FOR VIOLATIONS OF THIS  
6 ACT; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 41-41-33, Mississippi Code of 1972, is  
9 amended as follows:

10 41-41-33. (1) No abortion shall be performed or induced  
11 except with the voluntary and informed consent of the woman upon  
12 whom the abortion is to be performed or induced. Except in the  
13 case of a medical emergency, consent to an abortion is voluntary  
14 and informed if and only if:

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

19 (i) The name of the physician who will perform or  
20 induce the abortion;

21 (ii) The particular medical risks associated with  
22 the particular abortion procedure to be employed including, when  
23 medically accurate, the risks of infection, hemorrhage and breast  
24 cancer, and the danger to subsequent pregnancies and infertility;

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

27 (iv) The medical risks associated with carrying  
28 her child to term.

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

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

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

37           (iii) That there are available services provided  
38 by public and private agencies which provide pregnancy prevention  
39 counseling and medical referrals for obtaining pregnancy  
40 prevention medications or devices; and

41           (iv) That she has the right to review the printed  
42 materials described in Section 41-41-35(1)(a), (b) and (c). The  
43 physician or his agent shall orally inform the woman that those  
44 materials have been provided by the State of Mississippi and that  
45 they describe the unborn child and list agencies that offer  
46 alternatives to abortion. If the woman chooses to view those  
47 materials, copies of them shall be furnished to her. The  
48 physician or his agent may disassociate himself or themselves from  
49 those materials, and may comment or refrain from comment on them  
50 as he chooses. The physician or his agent shall provide the woman  
51 with the printed materials described in Section 41-41-35(1)(d).

52           (c) The woman certifies in writing before the abortion  
53 that the information described in paragraphs (a) and (b) of this  
54 section has been furnished to her, and that she has been informed  
55 of her opportunity to review the information referred to in  
56 subparagraph (iv) of paragraph (b) of this section.

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

60           (e) At least twenty-four (24) hours prior to the  
61 performance of an abortion, as defined in Section 41-41-31, a

62 physician or qualified person assisting the physician, shall  
63 perform fetal ultrasound imaging and auscultation of fetal heart  
64 tone services, provide the patient with an opportunity to view the  
65 active ultrasound image of the unborn child and hear the heartbeat  
66 of the unborn child if the heartbeat is audible, and offer to  
67 provide the patient with a physical picture of the ultrasound  
68 image of the unborn child. An ultrasound image must be of a  
69 quality consistent with standard medical practice in the  
70 community, shall contain the dimensions of the unborn child and  
71 shall accurately portray the presence of external members and  
72 internal organs, if present or viewable, of the unborn child.  
73 After performance of the services delineated in this paragraph  
74 (e), and at least twenty-four (24) hours prior to the performance  
75 of an abortion, a physician or qualified person assisting the  
76 physician shall obtain the patient's signature on a certification  
77 form stating that fetal ultrasound imaging and auscultation of  
78 fetal heart tone services have been performed, that the patient  
79 has been given the opportunity to view the active ultrasound image  
80 and hear the heartbeat of the unborn child if the heartbeat is  
81 audible, and that she has been offered a physical picture of the  
82 ultrasound image. Before the abortion is performed or induced,  
83 the physician who is to perform or induce the abortion shall  
84 receive a copy of the written certification prescribed by this  
85 paragraph (e). The physician shall retain a copy of the signed  
86 certification form in the patient's medical record. The State  
87 Department of Health shall enforce the provisions of this  
88 paragraph (e) at abortion facilities, as defined in Section  
89 41-75-1.

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

93 **SECTION 2.** Section 41-41-39, Mississippi Code of 1972, is  
94 amended as follows:

95           41-41-39. Anyone who purposefully, knowingly or recklessly  
96 performs or attempts to perform or induce an abortion without  
97 complying with Sections 41-41-31 through 41-41-37, including the  
98 provisions of Section 41-41-33(1)(e), shall, upon conviction, be  
99 guilty of a misdemeanor and shall be punished by a fine of One  
100 Thousand Dollars (\$1,000.00), by imprisonment in the county jail  
101 for a period of time not to exceed six (6) months, or both such  
102 fine and imprisonment.

103           **SECTION 3.** This act shall take effect and be in force from  
104 and after July 1, 2007.