

2010 -- H 7489

LC00979

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO HEALTH AND SAFETY -- INFORMED CONSENT FOR ABORTION

Introduced By: Representatives MacBeth, Edwards, Azzinaro, Brien, and Palumbo

Date Introduced: February 11, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-4.7-3 and 23-4.7-7 of the General Laws in Chapter 23-4.7  
2 entitled "Informed Consent for Abortion" are hereby amended to read as follows:

3 **23-4.7-3. Required disclosures.** -- (a) Either the physician who is to perform the  
4 abortion or his or her authorized agent or another physician or his or her authorized agent shall:

5 (1) Inform the woman that she is pregnant and inform her of the estimated gestational  
6 age of the fetus at the time of the disclosure.

7 (2) Explain to the woman the medical nature of an abortion, including the probable  
8 gestational age of the fetus at the time the abortion is to be performed.

9 (3) Explain to the woman the medical or surgical procedure to be employed to perform  
10 the abortion.

11 (4) Explain to the woman all known material medical risks associated with the particular  
12 abortion procedure to be employed. In the event a physician or his or her authorized agent  
13 determines that the disclosure of a known material risk should not be made, that risk need not be  
14 disclosed, provided the medical basis for the nondisclosure is certified in writing in the patient's  
15 medical record.

16 (b) In addition, a physician or his or her authorized agent may inform the woman of any  
17 other material facts or opinions or otherwise state anything with respect to the disclosures  
18 required in this section which, in the exercise of his or her best medical judgment, is reasonably  
19 necessary to enable the woman to give her informed consent to the proposed abortion, with full

1 knowledge of its nature and consequences.

2 (c) In addition, prior to a woman giving informed consent to having any part of an  
3 abortion performed, the physician who is to perform the abortion, or certified technician working  
4 in conjunction with the physician, shall:

5 (1) Perform an obstetric ultrasound on the pregnant woman;

6 (2) Provide an explanation of the results of the ultrasound;

7 (3) Display the ultrasound images so that the pregnant woman may view them; and

8 (4) Provide a medical description of the ultrasound images, which shall included the  
9 dimensions of the embryo or fetus and the presence of external members and internal organs, if  
10 present and viewable.

11 (d) No requirement to view ultrasound images—nothing in this section shall be construed  
12 to require a woman to view the ultrasound images. Neither the physician nor the woman shall be  
13 subject to any penalty if she refuses to look at the presented ultrasound images.

14 **23-4.7-7. Liability of physician. --** Any physician who knowingly violates the  
15 requirements of this chapter shall be deemed to have engaged in "unprofessional conduct" for the  
16 purposes of section 5-37-5.1. The willful failure to provide the woman with the substance of the  
17 information pursuant to the requirements of section 23-4.7-3 shall be prima facie evidence of  
18 failure to obtain informed consent in an action at law or in equity, and shall be sanctioned as  
19 follows: Upon a finding by a court that a physician in an action commenced under this chapter  
20 has knowingly violated a provision of this chapter, the court shall notify the Rhode Island Board  
21 of Medical Review. A civil penalty not to exceed one hundred thousand dollars (\$100,000) for  
22 the first offense shall be imposed, the penalty for a second and/or subsequent offense shall not  
23 exceed the sum of two hundred fifty thousand dollars (\$250,000).

24 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would require an ultrasound fetal image be made of every fetus about to be  
2 aborted for review by the woman seeking the abortion.

3           This act would take effect upon passage.

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