
ASSEMBLY BILL NO. 175—ASSEMBLYMEN HANSEN, TOLLES,
DICKMAN, HAFEN, ELLISON; HARDY, MATTHEWS, O’NEILL
AND WHEELER

FEBRUARY 24, 2021

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to abortion.
(BDR 40-229)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to abortion; revising the requirements for informed consent to an abortion; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law specifies the medical conditions under which an abortion may be
2 performed in this State. (NRS 442.250) Since NRS 442.250 was submitted to and
3 approved by referendum at the 1990 general election, Section 1 of Article 19 of the
4 Nevada Constitution requires that the provisions of NRS 442.250 must not be
5 amended, annulled, repealed, set aside, suspended or in any way made inoperative
6 except by the direct vote of the people. Existing law also: (1) requires an attending
7 physician or other person meeting the qualifications established by regulation of the
8 Division of Public and Behavioral Health of the Department of Health and Human
9 Services to obtain the informed consent of a pregnant woman before providing an
10 abortion; and (2) prescribes the information that the attending physician or other
11 person is required to provide to the pregnant woman as part of such informed
12 consent. (NRS 442.253) Since the informed consent requirements were not part of
13 the 1990 referendum, these requirements may be amended or repealed by the
14 Legislature without approval in a referendum. (Nev. Const. Art. 1, § 9)

15 This bill revises the requirements concerning informed consent. This bill
16 conforms with Section 1 of Article 19 of the Nevada Constitution because this bill
17 does not amend, annul, repeal, set aside, suspend or in any way make inoperative
18 the provisions of NRS 442.250. Instead, this bill serves a different governmental
19 purpose than the provisions of NRS 442.250 and enacts new laws that are separate
20 and complete by themselves and are not amendatory of the provisions of NRS
21 442.250. (*Mathews v. State ex rel. Nev. Tax Comm’n*, 83 Nev. 266, 267-269
22 (1967))

23 This bill adds to the existing requirements concerning informed consent a
24 requirement that the attending physician or other person meeting the qualifications



25 established by regulation provide the pregnant woman with a list of providers of
26 health care, medical facilities and other persons and entities that perform
27 ultrasonography free of charge. Additionally, if the woman
28 undergoes ultrasonography before the abortion or the attending physician
29 determines that ultrasonography will be used during the abortion, this bill requires
30 the attending physician or a designee thereof to orally inform the woman that she
31 may view or decline to view a sonogram of the fetus.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 442.253 is hereby amended to read as follows:

2 442.253 1. The attending physician or a person meeting the
3 qualifications established by regulations adopted by the Division
4 shall:

5 (a) In an accurate and thorough manner which is reasonably
6 likely to be understood by the pregnant woman, orally:

7 (1) Explain that, in his or her professional judgment, she is
8 pregnant and a copy of her pregnancy test is available to her.

9 (2) Inform her of the estimated gestational age.

10 (3) Explain:

11 (I) The procedure to be used and the proper procedures
12 for her care after the abortion.

13 (II) The discomforts and risks that may accompany or
14 follow the procedure.

15 (III) If an interpreter is available to assist the woman
16 because the woman does not understand the language used on a
17 form indicating consent or the language used by the attending
18 physician or person meeting the qualifications established by
19 regulations adopted by the Division, that an interpreter is available
20 to provide the explanation.

21 (b) Offer to answer any questions the woman has concerning the
22 procedure.

23 (c) Provide the woman with **[a]**:

24 (1) *A list of providers of health care, medical facilities and*
25 *other persons and entities that perform ultrasonography free of*
26 *charge. The list must be organized geographically and include,*
27 *without limitation, the name, address and telephone number of*
28 *each such provider, facility and other person or entity.*

29 (2) *A copy of a form indicating consent.*

30 2. The form indicating consent provided pursuant to subsection
31 1 must clearly describe the nature and consequences of the
32 procedure to be used.

33 3. Informed consent shall be deemed to have been given by a
34 woman seeking an abortion for the purposes of NRS 442.252 when:



1 (a) The form indicating consent provided pursuant to paragraph
2 (c) of subsection 1 has been signed and dated by:

3 (1) The woman;

4 (2) The interpreter, if an interpreter is used;

5 (3) The attending physician who will perform the procedure;

6 and

7 (4) The person meeting the qualifications established by
8 regulations adopted by the Division if such a person performs the
9 duties prescribed in subsection 1; and

10 (b) If the form indicating consent is not written in a language
11 understood by the woman, the person who performs the duties
12 prescribed in subsection 1 has certified on the form that the
13 information described in subsection 1 has been presented in such a
14 manner as to be understood by the woman.

15 *4. If the woman undergoes ultrasonography before the*
16 *abortion or the attending physician determines that*
17 *ultrasonography will be used during the abortion, the attending*
18 *physician or a designee thereof must orally inform the woman that*
19 *she may view or decline to view a live sonogram of the fetus.*

20 *5. As used in this section:*

21 (a) *“Medical facility” has the meaning ascribed to it in*
22 *NRS 449.0151.*

23 (b) *“Provider of health care” has the meaning ascribed to it in*
24 *NRS 629.031.*

25 **Sec. 2.** This act becomes effective on July 1, 2021.



