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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO HEALTH AND SAFETY -- INFORMED CONSENT FOR ABORTION

Introduced By: Representatives MacBeth, McLaughlin, Azzinaro, Corvese, and Lancia

Date Introduced: January 22, 2016

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 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) Offer an explanation of the results of the ultrasound;

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

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

11 (5) Provide an opportunity for the woman to refuse to consent to the abortion.

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

15 **23-4.7-7. Liability of physician.** -- Any physician who knowingly violates the  
16 requirements of this chapter shall be deemed to have engaged in "unprofessional conduct" for the  
17 purposes of § 5-37-5.1. The willful failure to provide the woman with the substance of the  
18 information pursuant to the requirements of § 23-4.7-3 shall be prima facie evidence of failure to  
19 obtain informed consent in an action at law or in equity, and shall be sanctioned as follows:

20 Upon a finding by a court that a physician in an action commenced under this chapter has  
21 knowingly violated a provision of this chapter; the court shall notify the Rhode Island board of  
22 medical review.

23 A civil penalty not to exceed one hundred thousand dollars (\$100,000) for the first  
24 offense shall be imposed; the penalty for a second and/or subsequent offense shall not exceed the  
25 sum of two hundred fifty thousand dollars (\$250,000).

26 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 that an ultrasound fetal image be made of every fetus about to be  
2 aborted for review by the woman seeking the abortion, and would add language which makes it  
3 clear that a woman can refuse to view the images. This act would also set forth penalties for  
4 physicians who violate provisions of the law on informed consent for abortions.

5           This act would take effect upon passage.

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